

Nicole Harris v. City of Chicago, et al.
Deposition of Diante Dancy - Taken 1/18/2016

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|---|--|
| <p>1 MR. HALE: Andy Hale for the police officer</p> <p>2 defendants.</p> <p>3 MR. FLYNN: Kyle Flynn on behalf of the City of</p> <p>4 Chicago.</p> <p>5 THE VIDEOGRAPHER: Will the court reporter please</p> <p>6 swear in the witness?</p> <p>7 (Witness sworn.)</p> <p>8 DIANTE DANCY,</p> <p>9 called as a witness herein, having been first duly</p> <p>10 sworn, was examined and testified as follows:</p> <p>11 EXAMINATION</p> <p>12 BY MR. NATHAN:</p> <p>13 Q. Good morning.</p> <p>14 A. Good morning.</p> <p>15 Q. Can you please state and spell your name</p> <p>16 just for the record?</p> <p>17 A. Diante, D-I-A-N-T-E, Dancy, D-A-N-C-Y.</p> <p>18 Q. And how old are you?</p> <p>19 A. Sixteen.</p> <p>20 Q. And what's your date of birth?</p> <p>21 A. August 3rd, 1999.</p> <p>22 Q. Are you represented by an attorney today?</p> <p>23 A. Yes.</p> <p>24 Q. And who is that?</p> | <p>1 attorneys sometimes speak over each other, but in</p> <p>2 ordinary speech and ordinary conversation, sometimes</p> <p>3 it's even polite for you to anticipate what my</p> <p>4 question is actually going to be and you just figure,</p> <p>5 okay, I can get this over with by answering the</p> <p>6 question; but I'm going to ask you to resist that</p> <p>7 temptation. Just let me get out my complete question</p> <p>8 before you begin to give your answer. Okay?</p> <p>9 A. Okay.</p> <p>10 Q. By the same token, I'll try to make sure</p> <p>11 that I allow you to give a complete answer before I</p> <p>12 ask the next question. Sound good?</p> <p>13 A. Yes.</p> <p>14 Q. My questions aren't always perfectly clear.</p> <p>15 If at any point in time you don't understand a</p> <p>16 question that I ask, I want you to tell me that.</p> <p>17 Okay?</p> <p>18 A. Okay.</p> <p>19 Q. If you don't tell me that you don't</p> <p>20 understand the question, then I'll assume you do</p> <p>21 understand the question. Is that fair?</p> <p>22 A. Yes.</p> <p>23 Q. In the event that you need to take a break,</p> <p>24 get some water -- You have water right there, but if</p> |
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| <p>1 A. Miss Susler.</p> <p>2 Q. Miss Susler?</p> <p>3 A. Yes.</p> <p>4 Q. Before we get into the substance, I just</p> <p>5 want to go through some of the basic rules and</p> <p>6 procedures of how this deposition works --</p> <p>7 A. Okay.</p> <p>8 Q. -- and it will go smoothly, hopefully.</p> <p>9 As you see, there's a court reporter taking</p> <p>10 down everything that's being said. Because of that,</p> <p>11 we need to keep in mind that what's going to happen</p> <p>12 ultimately, is there will be a written transcript with</p> <p>13 questions and answers. In order for that to work out,</p> <p>14 we need to give verbal responses to all the questions.</p> <p>15 Okay?</p> <p>16 A. Okay.</p> <p>17 Q. So even though there's also a video here,</p> <p>18 just pretend almost as if the video is not here. The</p> <p>19 written transcript is not going to take down nods of</p> <p>20 the head and things like "uh-uh" and "nuh-uh,"</p> <p>21 things of that nature. Okay?</p> <p>22 A. Okay.</p> <p>23 Q. It's also important for us to not speak over</p> <p>24 one another. It's usually the biggest problem when</p> | <p>1 you need some more, just let us know. And as long as</p> <p>2 you answer the question that I've asked, it's totally</p> <p>3 fine to take a break. Okay?</p> <p>4 A. Okay.</p> <p>5 Q. This is something that I ask, you know, at</p> <p>6 almost every deposition, if I remember. Is there</p> <p>7 anything that is going to prevent you from testifying</p> <p>8 fully, truthfully, and accurately today, such as any</p> <p>9 lack of sleep, medication, or anything of that nature?</p> <p>10 A. No.</p> <p>11 Q. Okay. What did you do to prepare for this</p> <p>12 deposition?</p> <p>13 A. I talked to my lawyer.</p> <p>14 Q. When was that?</p> <p>15 A. One time in December, twice this month.</p> <p>16 Q. Okay. Where did the meeting happen in</p> <p>17 December?</p> <p>18 A. My house.</p> <p>19 Q. And where was that?</p> <p>20 A. In the kitchen in my house.</p> <p>21 Q. Where is your house?</p> <p>22 A. 61st East Ingleside.</p> <p>23 Q. How do you spell "Ingleside"?</p> <p>24 A. I-N-G-E-L-S-I-D-E [sic].</p> |

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| 1 Q. Did you ever live on Drexel? | 1 Q. What did you discuss at that meeting? |
| 2 A. Yes, with my mother. | 2 MS. SUSLER: Objection. I think you need to ask |
| 3 Q. Okay. Where is that? | 3 a few more foundational questions because of the |
| 4 A. 51st and Drexel. | 4 attorney-client privilege. I would suggest that you |
| 5 Q. When did you move to 61 East Ingleside? | 5 ask whether the people who were present in the |
| 6 A. I don't remember. | 6 apartment were present during our attorney-client |
| 7 MS. SUSLER: Objection. He didn't say he lived | 7 meeting. |
| 8 at 61 East Ingleside. He said he lived at 61st and | 8 MR. NATHAN: Yeah, I asked that question already |
| 9 Ingleside. | 9 MS. SUSLER: All right. Well... |
| 10 MR. NATHAN: Okay. Thank you for the | 10 MR. NATHAN: And he said that Mr. Perry was |
| 11 clarification actually. | 11 present for the entire time. |
| 12 BY MR. NATHAN: | 12 MS. SUSLER: All right. Maybe you should ask it |
| 13 Q. What's your address at Ingleside? | 13 again -- |
| 14 A. 6103 East Ingleside. | 14 MR. NATHAN: Okay. |
| 15 Q. And who do you live with at 6103 East | 15 MS. SUSLER: -- because there's an |
| 16 Ingleside? | 16 attorney-client privilege. |
| 17 A. My mother. | 17 BY MR. NATHAN: |
| 18 Q. Okay. So do you remember when in December | 18 Q. Do you want to change an answer that you |
| 19 this meeting was with your lawyer? | 19 gave me before? |
| 20 A. No, I don't. | 20 A. To make it clear, me and my lawyer was in |
| 21 Q. Before or after Christmas? | 21 the kitchen. Mom -- my mother and her lawyer was in |
| 22 A. Before. | 22 the living room. Anthony was in the room -- my |
| 23 Q. Was anyone else present during this meeting? | 23 mother's room -- if that's clear. |
| 24 A. Yes. | 24 Q. So -- when you met with -- strike that. |
| Page 10 | Page 12 |
| 1 Q. Who? | 1 I'm just trying to understand -- understand, |
| 2 A. My mother, her boyfriend, and another | 2 because before you said that you had an hour-long |
| 3 lawyer. | 3 meeting with Miss Susler, Joey Mogul, your mom, and |
| 4 Q. What's your mother's boyfriend's name? | 4 Anthony Perry. |
| 5 A. Anthony. | 5 MS. SUSLER: Objection. That misstates his |
| 6 Q. And his last name? | 6 testimony. |
| 7 A. Perry. | 7 BY MR. NATHAN: |
| 8 Q. Does he live at 6103 East Ingleside as well? | 8 Q. That's what you said before; right? |
| 9 A. No. | 9 MS. SUSLER: Same objections. |
| 10 Q. What was the name of the other lawyer who | 10 BY MR. NATHAN: |
| 11 was present during the December meeting? | 11 Q. You can answer. |
| 12 A. I don't remember her name. | 12 A. Yes. |
| 13 Q. Was that Joey Mogul? | 13 Q. And you said that that meeting happened in |
| 14 A. Yes. | 14 the kitchen; right? |
| 15 Q. How long was that meeting? | 15 A. Yes. |
| 16 A. I can't say for exact sure but about an | 16 Q. So was there a point in time when some of |
| 17 hour. | 17 those people left the room? |
| 18 Q. And were all the individuals that you just | 18 A. No. Like I said before, me and my lawyer |
| 19 mentioned present at the December meeting the entire | 19 was in the kitchen -- a different room from my mother |
| 20 time? | 20 and Joey. They was having their own meeting. We were |
| 21 A. Yes. | 21 having our own meeting. Anthony was just in the room |
| 22 Q. At that meeting did you review any documents | 22 doing whatever he was doing. |
| 23 or any other types of materials? | 23 Q. And where was Anthony? |
| 24 A. No. | 24 A. My mother's room. |

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| <p>1 Q. And where was your mother sitting with Joey 2 and Anthony? 3 MS. SUSLER: Objection. Vague and confusing. 4 MR. NATHAN: I'm sorry? 5 BY THE WITNESS: 6 A. Can you restate that? 7 Q. Sure. Where was your mother sitting with 8 Joey Mogul and Anthony? 9 A. Anthony wasn't with them. Anthony was by 10 his self. My mother and Joey was in the living room. 11 Q. So where was Anthony during the time that 12 you were meeting with Jan and your mother was meeting 13 with Joey? 14 MS. SUSLER: Objection. Asked and answered. 15 BY THE WITNESS: 16 A. He was in my mother's room. 17 Q. Which room? 18 A. It's next to the kitchen. 19 Q. Okay. Is it some kind of a bedroom? 20 A. Yeah, bedroom. 21 Q. I see. So you said during this December 22 meeting in your kitchen at Ingleside, you did not 23 review any documents, audio transcripts, anything like 24 that?</p> | <p>1 Q. Did I misstate something? 2 A. No. 3 Q. Okay. And those other two times were this 4 month? 5 A. Yes. 6 Q. And when was -- when were those meetings? 7 A. The 16th and a week before. 8 Q. Okay. Let's start with the 16th because 9 it's the most recent. Where did that happen? 10 A. In the living room. 11 Q. Also at Ingleside? 12 A. Yes. 13 Q. Who was present? 14 A. Just me and my lawyer. 15 Q. Which lawyer? 16 A. Jan. 17 Q. How long was that meeting? 18 A. About three hours. 19 Q. At this meeting did you review any 20 documents? 21 A. Yes. 22 Q. Where was your mom during this meeting? 23 A. (Inaudible.) 24 THE REPORTER: I'm sorry. Could you repeat that?</p> |
| Page 14 | Page 16 |
| <p>1 A. No. 2 Q. Okay. I neglected to say this before during 3 the introductory matters section. As you saw, 4 sometimes in the deposition an attorney may have an 5 objection. You will also notice there is no judge or 6 jury in the room; right? 7 A. Yes. 8 Q. Because there is no judge, we are not going 9 to get a ruling on the objection. So despite the fact 10 that an attorney makes an objection, you go ahead and 11 answer the question anyway. 12 A. Okay. 13 MS. SUSLER: Unless I instruct you not to. 14 THE WITNESS: All right. 15 MR. NATHAN: That's true. 16 MR. HALE: Are you getting enough light there? 17 We have motion sensors. We can change that if you 18 need. Okay. 19 BY MR. NATHAN: 20 Q. You said you met with lawyers two other 21 times in order to prepare for the deposition; right? 22 A. Yes. 23 MS. SUSLER: Objection. Misstates his testimony. 24 BY MR. NATHAN:</p> | <p>1 A. (Inaudible.) 2 MS. SUSLER: She left out. 3 BY MR. NATHAN: 4 Q. Was she present during any of the meeting? 5 A. No. 6 Q. Did she first introduce you to your lawyers 7 before she left out of the house? 8 A. Yes. 9 Q. Did she sit there with you and your lawyer 10 for any amount of time -- 11 A. No. 12 Q. Was anyone else in the house during this 13 meeting? 14 A. No. 15 Q. Okay. You said you reviewed materials 16 during this January 16th meeting; correct? 17 A. Yes. 18 Q. What materials did you review? 19 A. Documents from the judge, the interview with 20 the other doctor, and I think that's it. 21 Q. Did you review any police reports? 22 A. No. 23 Q. Did you review any handwritten notes? 24 A. No.</p> |

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| <p>1 Q. Did you review any medical records?</p> <p>2 A. No.</p> <p>3 Q. Did you review any videos?</p> <p>4 A. No.</p> <p>5 Q. Did you review any audio?</p> <p>6 A. No.</p> <p>7 Q. Was there any -- Strike that.</p> <p>8 During the meeting which I'll call the</p> <p>9 middle meeting, the one you said you had a week before</p> <p>10 your January 16th meeting, where was that?</p> <p>11 A. In our kitchen, same apartment.</p> <p>12 Q. Who was present?</p> <p>13 A. My mother, Anthony -- they didn't come in</p> <p>14 till later -- but my mother, Anthony, Jan, me, and my</p> <p>15 friend Brian.</p> <p>16 Q. How long was this meeting?</p> <p>17 A. About two hours.</p> <p>18 Q. And where did this meeting take place?</p> <p>19 A. In our kitchen.</p> <p>20 Q. Did you guys have a meal?</p> <p>21 A. No.</p> <p>22 Q. During this two hours that you were meeting</p> <p>23 with your lawyers, was your mom in the kitchen with</p> <p>24 you the whole time?</p> | <p>1 A. No.</p> <p>2 Q. When was he in there with you?</p> <p>3 A. Never.</p> <p>4 Q. So why did you say he was there?</p> <p>5 A. He was in the house --</p> <p>6 MS. SUSLER: Objection to the form of your</p> <p>7 question. It's argumentative. Go ahead.</p> <p>8 BY THE WITNESS:</p> <p>9 A. He was in the household. He wasn't in the</p> <p>10 kitchen with us.</p> <p>11 Q. And where was he in the house?</p> <p>12 A. My room.</p> <p>13 Q. What's Brian's last name?</p> <p>14 A. Lewis.</p> <p>15 q. Is he your best friend?</p> <p>16 A. You could say that, yes.</p> <p>17 Q. Was Brian Lewis ever in the room with you</p> <p>18 during any discussions that you had about this case?</p> <p>19 A. No.</p> <p>20 Q. Have you ever talked about this case with</p> <p>21 Brian Lewis?</p> <p>22 A. Yes.</p> <p>23 Q. On how many different occasions?</p> <p>24 A. Just once.</p> |
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| <p>1 A. No.</p> <p>2 Q. How much of the time was your mom in the</p> <p>3 kitchen with you?</p> <p>4 A. Only for a couple minutes.</p> <p>5 Q. Was that at the beginning, middle, or the</p> <p>6 end?</p> <p>7 A. The end.</p> <p>8 Q. The end?</p> <p>9 A. Yes.</p> <p>10 Q. During this two-hour meeting, was Anthony</p> <p>11 Perry in the kitchen with you?</p> <p>12 A. Yes.</p> <p>13 Q. Was he in the kitchen with you the whole</p> <p>14 time?</p> <p>15 A. No.</p> <p>16 Q. At what point in time was he in there with</p> <p>17 you?</p> <p>18 A. (Inaudible.)</p> <p>19 THE REPORTER: I'm sorry?</p> <p>20 BY THE WITNESS:</p> <p>21 A. The end.</p> <p>22 Q. And during this two hours when you were</p> <p>23 meeting with your lawyer in the kitchen, was your</p> <p>24 friend, Brian, in there with you the whole time?</p> | <p>1 Q. When was that?</p> <p>2 A. The first time Jan came.</p> <p>3 Q. So the first time --</p> <p>4 A. Excuse me. Not the first time, the second</p> <p>5 time, when he was in the household.</p> <p>6 Q. And what did you tell him?</p> <p>7 A. I can't remember exactly, but I just told</p> <p>8 him I'm meeting with the lawyer about a deposition</p> <p>9 that's happening on the 19th.</p> <p>10 Q. Did he ask you what the deposition was</p> <p>11 about?</p> <p>12 A. No.</p> <p>13 Q. Did you tell him what the deposition was</p> <p>14 about?</p> <p>15 A. Yes.</p> <p>16 Q. What did you tell him?</p> <p>17 A. I told him it was about what happened a</p> <p>18 couple years ago with my little brother.</p> <p>19 Q. Had you discussed that subject with him</p> <p>20 before?</p> <p>21 A. Yes.</p> <p>22 Q. What did you tell him about that?</p> <p>23 A. I just told him about what happened years</p> <p>24 ago, the incident between my brother and how he died.</p> |

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| <p>1 Q. So let me ask you this: Do you have a</p> <p>2 memory about the day that Jaquari died?</p> <p>3 A. Not very much, no.</p> <p>4 Q. When you say "not very much," what do you</p> <p>5 mean?</p> <p>6 A. The only thing I remember is him with the</p> <p>7 string around his neck. And then after that I woke</p> <p>8 up, nobody in the house.</p> <p>9 Q. You're saying you actually have a memory in</p> <p>10 your head of him with the string around his neck?</p> <p>11 A. Yes.</p> <p>12 Q. So how many times have you talked to Brian</p> <p>13 Lewis about what happened to your little brother?</p> <p>14 A. I don't remember.</p> <p>15 Q. Was it numerous times?</p> <p>16 A. No.</p> <p>17 Q. Do you have any kind of estimate of how many</p> <p>18 times you talked to him about that?</p> <p>19 MS. SUSLER: Objection. Asked and answered.</p> <p>20 BY THE WITNESS:</p> <p>21 A. Probably twice.</p> <p>22 Q. When was the last time that you talked to</p> <p>23 him about it? Just during -- just during January,</p> <p>24 that meeting you talked about earlier?</p> | <p>1 and all of that.</p> <p>2 Q. And how big is the group or the advisory?</p> <p>3 A. Not that big.</p> <p>4 Q. Like, how many kids are in your advisory?</p> <p>5 A. I can't give you an exact estimate, but</p> <p>6 probably eight.</p> <p>7 Q. And are these kids people that you've been</p> <p>8 in the same advisory with since you were a freshman?</p> <p>9 A. Yes.</p> <p>10 Q. So when you first started getting close with</p> <p>11 Mr. Lewis, what did you tell him about what happened</p> <p>12 with your little brother?</p> <p>13 A. I don't remember exactly, but for sure I</p> <p>14 know I told him about what happened when I was five</p> <p>15 years old.</p> <p>16 Q. Did you tell him exactly what you saw?</p> <p>17 A. No.</p> <p>18 Q. When you say you told him about what</p> <p>19 happened when you were five years old, what did you</p> <p>20 tell him?</p> <p>21 A. I don't remember exactly what I told him.</p> <p>22 Q. Did you tell him that your mom was in prison</p> <p>23 at the time?</p> <p>24 A. Yes.</p> |
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| <p>1 A. Yes.</p> <p>2 Q. And what was the other time that sticks out</p> <p>3 in your head?</p> <p>4 A. I don't remember. Probably when we first</p> <p>5 started being close.</p> <p>6 Q. And how old were you?</p> <p>7 A. Fifteen.</p> <p>8 Q. How did you come to meet Mr. Lewis?</p> <p>9 A. School.</p> <p>10 Q. Did you just change schools and that's how</p> <p>11 you became friends?</p> <p>12 A. No. When I first went to high school, he</p> <p>13 was in my advisory.</p> <p>14 Q. And which high school was that?</p> <p>15 A. Johnson College Prep.</p> <p>16 Q. Are you still at Johnson?</p> <p>17 A. Yes.</p> <p>18 Q. And what year are you in?</p> <p>19 A. Junior.</p> <p>20 Q. You said he's in your advisory?</p> <p>21 A. Yes.</p> <p>22 Q. What is that?</p> <p>23 A. It's like -- I want to say a classroom where</p> <p>24 your own teacher who just looks after your grades, GPA</p> | <p>1 Q. What did you tell him about that?</p> <p>2 A. I don't remember.</p> <p>3 Q. Did you tell him about -- strike that.</p> <p>4 Did you tell him that you were sleeping when</p> <p>5 Jaquari died?</p> <p>6 A. No.</p> <p>7 Q. Do you remember anything else that you told</p> <p>8 him during that first discussion that you had with him</p> <p>9 about what happened to your little brother?</p> <p>10 A. No.</p> <p>11 Q. All right. So now going to the conversation</p> <p>12 you had with Brian Lewis in January. What did you</p> <p>13 tell him then?</p> <p>14 A. I told him that when she was coming to meet</p> <p>15 with me, I told him that I'm getting ready for a</p> <p>16 deposition today about what happened when my -- a</p> <p>17 couple years ago.</p> <p>18 Q. And did you actually tell him about whatever</p> <p>19 you remember from that day?</p> <p>20 A. No.</p> <p>21 Q. Did he ask you?</p> <p>22 A. No.</p> <p>23 Q. In January when you were talking to Brian</p> <p>24 about this case, did you tell him anything else that</p> |

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| 1 you haven't already told me? | 1 what I remember. And as I think about what I |
| 2 A. No. | 2 remember, it comes to mind that she didn't do it. |
| 3 Q. So when you first talked to Brian Lewis | 3 Q. How old were you when you changed your |
| 4 about this case and you had just met him, you told him | 4 mind-set? |
| 5 that your mom was in prison; right? | 5 A. Don't know. |
| 6 A. Mm-hmm. | 6 Q. Are we talking about when you're still like |
| 7 Q. "Yes"? | 7 five or six or seven? |
| 8 A. Yes. | 8 A. No, around 13 or 14. |
| 9 Q. Just reminding you so we don't get into a | 9 Q. Was this before or after she was released |
| 10 habit. | 10 from prison that your mind-set changed? |
| 11 A. Okay. | 11 A. Before. |
| 12 Q. And you told him that you -- you said you | 12 Q. How much before? Like a year before or |
| 13 told him that you actually saw what happened; right? | 13 less? |
| 14 A. Yes. | 14 A. Less. |
| 15 Q. Did you tell him at all about -- well, did | 15 Q. Did you meet with any lawyers who discussed |
| 16 he ask you, did your mom do it? | 16 with you during that time period whether they thought |
| 17 A. No. | 17 she had committed this crime? |
| 18 Q. Did you tell him anything about that? | 18 MS. SUSLER: Objection. Form. Vague. What do |
| 19 MS. SUSLER: Objection. Form. Vague. | 19 you mean by "that time period"? |
| 20 BY THE WITNESS: | 20 THE WITNESS: Yes. |
| 21 A. Can you explain that? | 21 BY MR. NATHAN: |
| 22 Q. Did you tell him anything about your | 22 Q. You said yes? |
| 23 thoughts about whether your mom killed Jaquari? | 23 A. No. Can you explain that again? |
| 24 A. No. | 24 Q. You said when you were 14 or 15 your |
| Page 26 | Page 28 |
| 1 Q. And why not? | 1 mind-set changed from I don't know for sure if she did |
| 2 A. It's just a personal matter I should keep to | 2 or didn't do it to I don't think she did it; right? |
| 3 myself. | 3 A. Yes. |
| 4 Q. At that point in time, did you have any | 4 Q. During that time period when you're 15 or |
| 5 thoughts about that topic? | 5 14, did you meet with any of your mom's lawyers? |
| 6 MS. SUSLER: Objection. Form. Vague. | 6 A. Yes. |
| 7 BY THE WITNESS: | 7 Q. And who did you meet with during that time |
| 8 A. I did. | 8 period? |
| 9 Q. What were your thoughts at the time? | 9 A. All. |
| 10 A. At first I wasn't sure but, you know, rumors | 10 Q. All? |
| 11 spread around quick. So some family members thought | 11 A. Yes. |
| 12 she did do it; some she didn't. I just stuck with, I | 12 Q. Is that a first name? |
| 13 don't know for sure. | 13 A. Yes. |
| 14 Q. At what point -- is that still your mind-set | 14 Q. What's the last name? |
| 15 today? | 15 A. I don't know. |
| 16 A. No. | 16 Q. Do you remember what law firm All was with? |
| 17 Q. Okay. What's your mind-set today about | 17 A. No. |
| 18 that? | 18 Q. How many times did you meet with All? |
| 19 A. I don't think she did it. | 19 A. Around that time or overall? |
| 20 Q. When did that mind-set change from you stuck | 20 Q. Let's start with when you were 15 or 14 |
| 21 with, I don't know for sure if she did it to I don't | 21 during that time when you changed mind-sets. |
| 22 think she did it?" | 22 A. Once. |
| 23 A. Probably one of them days when I just stuck | 23 Q. Once? Where did you meet with her? |
| 24 by myself and thought a lot, and I just think about | 24 A. At my grandma house in the living room. |

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| 1 Q. Was anyone else present? | 1 Q. So my question now -- I'll ask it again -- |
| 2 A. Yes. | 2 is, what did she talk to you about? |
| 3 Q. Who was there? | 3 A. I don't remember. |
| 4 A. Either my dad or my grandma -- I don't know | 4 Q. Okay. So how many other times did you meet |
| 5 for sure -- and two other lawyers. | 5 with this lawyer named Ali? |
| 6 Q. Do you know their names, those other | 6 A. Plenty of times. |
| 7 lawyers? | 7 Q. When you say "plenty of times," are we |
| 8 A. No. | 8 talking about 20 times, 10 times? |
| 9 Q. Were they male or female? | 9 A. Not 20, around 10. |
| 10 A. One male, one female. | 10 Q. When did you first meet with Ali? |
| 11 Q. Is Ali a male or female? | 11 A. I don't remember. |
| 12 A. Female. | 12 Q. How old were you about? |
| 13 Q. Can you describe her at all? | 13 A. Young. Around six, seven. |
| 14 A. Blond hair, a little pale, and that's it. | 14 Q. You said that you met with Attorney Ali when |
| 15 Q. Is Ali's name Allison Flaum? | 15 you were around 14 or 15 one time; right? |
| 16 A. I don't know. | 16 A. Yes. |
| 17 Q. Did you meet with Ali on any other | 17 Q. What was the time closest to that, that you |
| 18 occasions? | 18 met with her? |
| 19 A. Yes, before. | 19 A. I don't remember. |
| 20 Q. Before we do that, at that point in time -- | 20 Q. Are we talking about like when you're 13, |
| 21 well, let me back up. | 21 12? |
| 22 Allison -- Allison or Ali was not your | 22 A. Don't remember. |
| 23 lawyer; right? | 23 Q. Are we talking about which you're closer to |
| 24 A. No. | 24 six or seven? |
| Page 30 | Page 32 |
| 1 MS. SUSLER: Objection. Form. He said he didn't | 1 A. Not sure. I don't remember. |
| 2 know if Ali was Allison. So if you -- | 2 Q. How many times did you meet with Attorney |
| 3 MR. NATHAN: Okay. You're right. | 3 Ali when you were around six or seven? |
| 4 MS. SUSLER: -- can just put them in the same | 4 A. I don't remember. |
| 5 question. It's confusing and misrepresented -- | 5 Q. When you had those about 10 meetings with |
| 6 MR. NATHAN: So let me -- let me -- let me | 6 Ali, were they concentrated in one time period or were |
| 7 rephrase that. | 7 they spread out throughout the year, since you were |
| 8 BY MR. NATHAN: | 8 six or seven? |
| 9 Q. This woman you're referring to as Ali, you | 9 MS. SUSLER: Objection. Form. Vague. But you |
| 10 didn't -- she wasn't your lawyer; right? | 10 can answer. |
| 11 A. No. | 11 BY THE WITNESS: |
| 12 Q. Okay. So what did she say to you during | 12 A. Can you explain that? |
| 13 this meeting? | 13 Q. I'll try. You said you don't remember |
| 14 A. I don't remember. | 14 exactly when you met with Attorney Ali these about 10 |
| 15 MS. SUSLER: Objection. Form. Which meeting are | 15 times or plenty of times; right? |
| 16 we talking about? | 16 A. Yes. |
| 17 MR. NATHAN: The one meeting he referred to when | 17 Q. I'm trying to understand if the meetings |
| 18 he was around 15 or 14. | 18 were mostly concentrated during a single period of |
| 19 MS. SUSLER: I just want to be clear for the | 19 time or if it was just throughout your time period -- |
| 20 record. | 20 throughout your life -- you'd randomly meet with her? |
| 21 BY MR. NATHAN: | 21 A. Throughout my life randomly. |
| 22 Q. That's the meeting we're talking about. | 22 Q. Do you remember if your dad was present |
| 23 Okay? | 23 during all of these meetings with her? |
| 24 A. Okay. | 24 A. No. |

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|---|--|
| <p>1 MS. SUSLER: Objection. Form.</p> <p>2 BY MR. NATHAN:</p> <p>3 Q. Do you remember if your dad was present with</p> <p>4 any of these meetings with her?</p> <p>5 A. Yes.</p> <p>6 Q. And what's the answer to that?</p> <p>7 A. He was present for some of the meetings.</p> <p>8 Q. About how many of them was he present for?</p> <p>9 A. Don't know.</p> <p>10 Q. More than half or less than half?</p> <p>11 A. Less than half.</p> <p>12 Q. More than two or three?</p> <p>13 A. Yes.</p> <p>14 Q. And how old were you when you met with this</p> <p>15 Attorney Ali together with your dad?</p> <p>16 A. I don't remember.</p> <p>17 Q. Is this when you were six or seven?</p> <p>18 A. The first time, yes.</p> <p>19 Q. And that's when -- the first time you met</p> <p>20 with Ali together with your dad?</p> <p>21 A. Yes.</p> <p>22 Q. And where was this meeting?</p> <p>23 A. In my grandma house, the living room.</p> <p>24 Q. That's the 85th and Sangamon?</p> | <p>1 Q. Do you have an estimate as to how many times</p> <p>2 you talked to your father about what happened to</p> <p>3 Jaquari?</p> <p>4 A. Once or twice.</p> <p>5 Q. And when was the last time you talked to</p> <p>6 your dad about this?</p> <p>7 A. Don't remember. Not sure. Probably around</p> <p>8 when I first talked to him about it.</p> <p>9 Q. Okay. And when did you first talk to him</p> <p>10 about it?</p> <p>11 A. Around seven or six.</p> <p>12 Q. When you were six or seven and talked to</p> <p>13 your dad the two times, where did the conversations</p> <p>14 take place?</p> <p>15 MS. SUSLER: Objection. Objection. You</p> <p>16 misstated his testimony.</p> <p>17 BY MR. NATHAN:</p> <p>18 Q. Let me break it down. You said you met with</p> <p>19 your dad two different times and talked to him about</p> <p>20 Jaquari dying; correct?</p> <p>21 MS. SUSLER: Objection. Objection. You</p> <p>22 misstated his testimony. He said once or twice.</p> <p>23 BY MR. NATHAN:</p> <p>24 Q. Correct?</p> |
| Page 34 | Page 36 |
| <p>1 A. Yes.</p> <p>2 Q. What's the address there?</p> <p>3 A. 8514 South Sangamon.</p> <p>4 Q. Do you know if your grandmother thought that</p> <p>5 Jaquari was killed by your mom?</p> <p>6 MS. SUSLER: Objection. Foundation. Go ahead.</p> <p>7 You can answer.</p> <p>8 BY THE WITNESS:</p> <p>9 A. No.</p> <p>10 Q. Did she ever talk to you about that?</p> <p>11 A. No.</p> <p>12 Q. Did your father ever talk to you about</p> <p>13 whether he thought your mom killed Jaquari?</p> <p>14 A. No.</p> <p>15 Q. Did you ever talk to your dad about what</p> <p>16 happened the day Jaquari died?</p> <p>17 A. Yes.</p> <p>18 Q. How many times did you talk to your dad</p> <p>19 about that?</p> <p>20 A. Don't remember.</p> <p>21 Q. Was it plenty of times?</p> <p>22 A. No.</p> <p>23 Q. Was it about 30 times?</p> <p>24 A. No.</p> | <p>1 A. Yes.</p> <p>2 Q. And you said that you were six or seven</p> <p>3 during these conversations; correct?</p> <p>4 A. Yes.</p> <p>5 Q. All right. So let's just refer to the first</p> <p>6 time you had this conversation with your father.</p> <p>7 Where was it?</p> <p>8 A. In his room, in my grandma house.</p> <p>9 Q. And the second time you talked to him about</p> <p>10 it?</p> <p>11 A. I don't remember. Once or twice. I don't</p> <p>12 remember.</p> <p>13 Q. Okay. So do you actually have a specific</p> <p>14 memory in your head of talking to him about this?</p> <p>15 A. The one time, yes.</p> <p>16 Q. And that memory is a memory of you sitting</p> <p>17 and talking to him at your grandmother's house in his</p> <p>18 bedroom?</p> <p>19 A. Yes.</p> <p>20 Q. Was the bedroom upstairs or downstairs?</p> <p>21 A. Downstairs.</p> <p>22 Q. On the main floor?</p> <p>23 A. No, the basement.</p> <p>24 Q. The basement. And how long was this</p> |

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|--|--|
| <p>1 conversation?</p> <p>2 A. Not very long.</p> <p>3 Q. How many minutes?</p> <p>4 A. I can't say exactly.</p> <p>5 Q. And you were six or seven?</p> <p>6 A. Yes.</p> <p>7 Q. And isn't it true you told him during that</p> <p>8 conversation that you didn't see what happened because</p> <p>9 you were asleep?</p> <p>10 MS. SUSLER: Objection. Form and argumentative.</p> <p>11 BY THE WITNESS:</p> <p>12 A. I don't remember that.</p> <p>13 Q. Do you remember what you told him during</p> <p>14 that conversation?</p> <p>15 A. No.</p> <p>16 MS. SUSLER: I'm sorry. Could you read the last</p> <p>17 couple of questions and answers?</p> <p>18 (Record read as requested.)</p> <p>19 MS. SUSLER: Thank you so much.</p> <p>20 BY MR. NATHAN:</p> <p>21 Q. Okay. So you just testified that you don't</p> <p>22 remember what you told your dad during that</p> <p>23 conversation in his room in the basement of 85th and</p> <p>24 Sangamon; right?</p> | <p>1 A. Okay.</p> <p>2 Q. And you just said that you don't remember</p> <p>3 what you told him; correct?</p> <p>4 A. No.</p> <p>5 Q. Are you aware of the fact that your father</p> <p>6 recently provided deposition testimony saying that he</p> <p>7 talked to you back when you were six or seven, and you</p> <p>8 told him that you were sleeping when Jaquari died, and</p> <p>9 you didn't see what happened?</p> <p>10 MS. SUSLER: Objection to the form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. No.</p> <p>13 Q. Do you have any reason to think that he's</p> <p>14 lying when he said that?</p> <p>15 MS. SUSLER: Oh, objection. Form. That's</p> <p>16 inappropriate.</p> <p>17 MR. NATHAN: You made your objection.</p> <p>18 BY MR. NATHAN:</p> <p>19 Q. Do you have any reason to think he's lying?</p> <p>20 A. No.</p> <p>21 Q. Do you dispute -- dispute that, if that's</p> <p>22 his testimony?</p> <p>23 MS. SUSLER: Objection. He wasn't present at the</p> <p>24 deposition. You're asking him unfair questions.</p> |
| Page 38 | Page 40 |
| <p>1 MS. SUSLER: Objection. Asked and answered.</p> <p>2 MR. NATHAN: You just -- you just -- you just</p> <p>3 asked for a read back, and I'm trying to bring back to</p> <p>4 where we were.</p> <p>5 MS. SUSLER: This is going to be a very long</p> <p>6 deposition if you keep asking the same questions over</p> <p>7 and over.</p> <p>8 MR. NATHAN: If you don't interrupt me then we'll</p> <p>9 be able to --</p> <p>10 MS. SUSLER: You're not going to instruct me how</p> <p>11 to practice law. Ask a question and let's proceed.</p> <p>12 MR. NATHAN: The same goes both ways.</p> <p>13 MS. SUSLER: I'll object when I think it's</p> <p>14 appropriate.</p> <p>15 MR. NATHAN: Let me just ask my questions, and</p> <p>16 you're free to make objections.</p> <p>17 MS. SUSLER: I wish you would.</p> <p>18 MR. NATHAN: And I'm not going to stop you from</p> <p>19 doing that, but try not to do speaking objections or</p> <p>20 tell me what to do.</p> <p>21 BY MR. NATHAN:</p> <p>22 Q. I'm bringing your attention back to the</p> <p>23 conversation you had with your dad at your</p> <p>24 grandmother's house in the basement. Okay?</p> | <p>1 MR. NATHAN: Okay.</p> <p>2 BY THE WITNESS:</p> <p>3 A. Can you explain that?</p> <p>4 Q. Are you arguing with his testimony?</p> <p>5 A. No.</p> <p>6 MS. SUSLER: Same objections.</p> <p>7 BY MR. NATHAN:</p> <p>8 Q. Do you think that your memory of the</p> <p>9 incident is better today than it was when you were six</p> <p>10 or seven?</p> <p>11 A. No.</p> <p>12 Q. Do you think that your memory of what</p> <p>13 happened to Jaquari was better when you were six or</p> <p>14 seven than it is today?</p> <p>15 A. Yes.</p> <p>16 Q. And why is that?</p> <p>17 A. Because it was -- when I was six or seven,</p> <p>18 it was more recent. So therefore, I actually remember</p> <p>19 more than now.</p> <p>20 Q. And when you were six or seven, there were</p> <p>21 also fewer people that had talked to you about what</p> <p>22 had happened and what they thought had happened, and</p> <p>23 is that also true?</p> <p>24 MS. SUSLER: Objection. Form.</p> |

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|---|---|
| <p>1 BY THE WITNESS:</p> <p>2 A. Yes.</p> <p>3 Q. Does sometimes all the people asking you</p> <p>4 what happened and telling you what they think happened</p> <p>5 confuse you?</p> <p>6 MS. SUSLER: Objection. Form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. Sometimes.</p> <p>9 Q. And why does it confuse you?</p> <p>10 A. Because -- I don't know. I can't say for</p> <p>11 sure, but it's just -- it's they own thoughts and just</p> <p>12 running around in my head.</p> <p>13 Q. So what runs around in your head?</p> <p>14 A. Some people say she did do it; some people</p> <p>15 say that she don't; and it's like I'm just in the</p> <p>16 middle of it.</p> <p>17 Q. Do you wish you weren't in the middle of it?</p> <p>18 A. Excuse me?</p> <p>19 Q. Do you wish you were not in the middle of</p> <p>20 it?</p> <p>21 A. Yes.</p> <p>22 Q. Why is that?</p> <p>23 A. Because it just makes it hard on me just</p> <p>24 because I was the only person who actually saw what</p> | <p>1 your own memory --</p> <p>2 A. No.</p> <p>3 Q. -- because various people are talking to you</p> <p>4 about it?</p> <p>5 A. No.</p> <p>6 Q. Why not?</p> <p>7 A. Because I remember what I saw.</p> <p>8 MR. NATHAN: I'm going to take a break for a few</p> <p>9 minutes.</p> <p>10 THE WITNESS: Okay.</p> <p>11 THE VIDEOGRAPHER: We are now going off the</p> <p>12 record at 10:59 a.m.</p> <p>13 (A short break was had.)</p> <p>14 THE VIDEOGRAPHER: The time is 11:14 a.m. We are</p> <p>15 now back on the record.</p> <p>16 BY MR. NATHAN:</p> <p>17 Q. Okay. During the break did you have a</p> <p>18 chance to meet with your attorney?</p> <p>19 A. Yes.</p> <p>20 (Dancy Deposition Exhibit Nos. 126A and</p> <p>21 126B marked as requested.)</p> <p>22 BY MR. NATHAN:</p> <p>23 Q. I'm handing you what's been marked as</p> <p>24 Exhibit 126A and B. Skipped in sequence 125, but</p> |
| Page 42 | Page 44 |
| <p>1 happened.</p> <p>2 Q. Or the only person that didn't see what</p> <p>3 happened if your dad's telling the truth; right?</p> <p>4 MS. SUSLER: Objection. Argumentative and form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. Don't know.</p> <p>7 Q. Do you feel like if you don't say what --</p> <p>8 that you saw what happened, you're letting somebody</p> <p>9 down?</p> <p>10 A. No.</p> <p>11 Q. During the plenty of times that you met with</p> <p>12 Attorney Ali, did she tell you what she hoped you</p> <p>13 could provide for her in terms of testimony?</p> <p>14 A. I don't remember.</p> <p>15 Q. How many different times since Jaquari</p> <p>16 passed away have lawyers, or psychologists,</p> <p>17 psychiatrists, or interviewers talked to you and asked</p> <p>18 you about what you remember from that day?</p> <p>19 A. A lot of times.</p> <p>20 Q. Probably over 50 times?</p> <p>21 A. No, not over 50.</p> <p>22 Q. So what are we talking? Over 30 times?</p> <p>23 A. No. It would be 15.</p> <p>24 Q. And does that cause you to sometimes doubt</p> | <p>1 we'll come back to that.</p> <p>2 Do you see the people in those photos? In</p> <p>3 the first -- 126A, the female photograph, do you</p> <p>4 recognize who that is?</p> <p>5 A. No. It looks familiar, but I can't say.</p> <p>6 Q. Is that the Attorney Ali that you were</p> <p>7 referring to? I realize it's a pixelated photo but --</p> <p>8 A. Yes.</p> <p>9 Q. And is the guy in the second photo, 126B, is</p> <p>10 that one of the people that were in your house during</p> <p>11 the meeting that you described earlier with Ali and</p> <p>12 two other lawyers?</p> <p>13 A. I don't remember.</p> <p>14 Q. Let me have that back. I don't have a color</p> <p>15 for this one, but this is going to be 126C.</p> <p>16 (Dancy Deposition Exhibit Nos. 126C</p> <p>17 marked as requested.)</p> <p>18 BY MR. NATHAN.</p> <p>19 Q. Is the person in that photograph one of the</p> <p>20 lawyers that was in your house together with Ali?</p> <p>21 A. No.</p> <p>22 Q. Earlier you said that you had some family</p> <p>23 members that thought your mom killed Jaquari and some</p> <p>24 that didn't; right?</p> |

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|--|---|
| 1 A. Yes. | 1 start off, but he would say that my mom did it, and I |
| 2 Q. How did you know that? | 2 would contradict what he said. And I remember that my |
| 3 A. Like my brother, Sta-von Jackson, Jr. -- | 3 brother killed his self. And we used to always argue |
| 4 some of them brought out their own opinions of what | 4 back and forth. |
| 5 they thought. | 5 Q. When's the last time you had this argument |
| 6 Q. So they would talk to you about it? | 6 with him? |
| 7 A. Yes. Some, not all. | 7 A. I don't remember. |
| 8 Q. So who would talk to you about that? | 8 Q. Was it this year? |
| 9 A. Mostly my brother -- me and my brother had | 9 A. No. |
| 10 many arguments over the topic. My sister -- she put | 10 Q. Was it last year? |
| 11 her opinion in -- and my auntie. | 11 A. No. I would say when we was young, probably |
| 12 Q. And anyone else that had their opinion about | 12 around -- I don't know -- 10 or 11. |
| 13 it? | 13 Q. Would he make fun of you? |
| 14 A. Not that I remember. | 14 A. No. |
| 15 Q. So your brother that used to argue about -- | 15 Q. Why did Sta-von, Jr., think that your mom |
| 16 Strike that. | 16 killed Jaquari? |
| 17 The brother that you had many arguments with | 17 MS. SUSLER: Objection. Foundation. |
| 18 about this topic -- | 18 BY THE WITNESS: |
| 19 A. Yes. | 19 A. I don't know. |
| 20 Q. -- is that Sta-von, Jr.? | 20 Q. And what about your sister, Kimberly? |
| 21 A. Yes. | 21 A. I don't know why she thought that. |
| 22 Q. And the sister that you mentioned talking to | 22 Q. How did you learn that she thought that your |
| 23 about this, what's her name? | 23 mom killed Jaquari? |
| 24 A. Kimberly Dancy. | 24 A. On Christmas -- no, not Christmas. Around |
| Page 46 | Page 48 |
| 1 Q. And who is the auntie that you referred to | 1 Christmas she told me her opinion of what she thought. |
| 2 earlier? | 2 Q. Was that this Christmas? |
| 3 A. We always called her Pat. I can't say her | 3 A. No. It was the same year my grandma died, |
| 4 actual name. | 4 2013. |
| 5 Q. How was she your auntie? | 5 Q. So before we move on to your conversation |
| 6 A. That's my dad's sister, older sister. | 6 with Kimberly, I just want to go back to the |
| 7 Q. Do you know her last name? | 7 conversation that you had with Sta-von. Tell me |
| 8 A. No. | 8 everything that he said about what he thought relating |
| 9 Q. Where does she live? | 9 to Jaquari. |
| 10 A. Iowa. | 10 MS. SUSLER: Let me just interpose. It's not |
| 11 Q. Have you been to her house? | 11 really an objection, but for a clarification, when you |
| 12 A. No. | 12 say "Sta-von," can you say "Sta-von, Jr.," since his |
| 13 Q. When was the last time you've seen her? | 13 father's name is also Sta-von? |
| 14 A. Christmas, 2013, when my grandma died. | 14 MR. NATHAN: Yes. |
| 15 Q. She came in from Iowa? | 15 BY MR. NATHAN: |
| 16 A. Yes. | 16 Q. Right now I'm asking you about Sta-von, Jr. |
| 17 Q. Have you ever been to her house in Iowa? | 17 A. Yes. I don't remember everything, but |
| 18 A. No. | 18 multiple times at his house or my house the |
| 19 Q. Okay. So you said you had some arguments | 19 conversation would come up and he would tell me like, |
| 20 with Sta-von, Jr., you said you had many arguments | 20 no -- we were always arguing, and he would tell me |
| 21 with him? | 21 like, no, your mom killed Jaquari and everybody knows |
| 22 A. Yes. | 22 it. And I always tell him that no, she didn't, that |
| 23 Q. What would you argue about with him? | 23 Jaquari killed his self. |
| 24 A. I don't remember how the conversation would | 24 It mostly happened when we were just young. |

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|--|--|
| 1 Now, we don't even talk about the topic. | 1 sleeping -- |
| 2 Q. When you say, "everybody knows it," did he | 2 A. No. |
| 3 say what he was talking about? | 3 Q. -- when Jaquari died? |
| 4 A. No. | 4 A. No. |
| 5 Q. Was that your sense that basically everybody | 5 Q. Did you tell anybody, to your recollection, |
| 6 thought that? | 6 that you were sleeping when Jaquari died? |
| 7 A. Yes. | 7 A. I don't know. |
| 8 Q. And when you said basically everybody | 8 Q. And you say, "I don't know," because you may |
| 9 thought that, who are you referring to? | 9 have said that? |
| 10 A. Mostly my dad's side of the family. | 10 A. Yes. |
| 11 Q. So who on your dad's side of the family | 11 Q. Now, you said that you talked to Kimberly |
| 12 thought that your mom killed Jaquari? | 12 Dancy in Christmas of 2013, and she said that she |
| 13 A. I don't know everybody. I know my brother, | 13 thought your mom killed Jaquari? |
| 14 my sister, and my auntie. | 14 A. Yes. |
| 15 Q. Did your father ever tell you that he | 15 Q. What specifically did she say? |
| 16 thought your mom killed Jaquari? | 16 A. I can't remember, but I remember her telling |
| 17 MS. SUSLER: Objection. Asked and answered. | 17 me that my mom did it and -- She said more. I just |
| 18 BY THE WITNESS: | 18 can't remember. It was mostly from a news article -- |
| 19 A. No. | 19 an old news article around when Jaquari first died |
| 20 Q. Is there anybody else in your family, either | 20 that made her believe that. |
| 21 your dad's side or your mom's side, that you believe | 21 Q. Now, Christmas 2013, were you still, in your |
| 22 thought she called Jaquari? | 22 mind -- were you still in the frame of mind, I don't |
| 23 MS. SUSLER: Objection. Form. | 23 know for sure, like you said earlier, or did you |
| 24 BY THE WITNESS: | 24 already move over to, I don't think she did it? |
| Page 50 | Page 52 |
| 1 A. No. | 1 MS. SUSLER: Objection. Form. |
| 2 Q. Did Stu-von, Jr., ever tell you anything | 2 BY THE WITNESS: |
| 3 else about how he came to believe that everybody knows | 3 A. I believe -- I don't know, I don't |
| 4 that your mom killed Jaquari? | 4 remember. |
| 5 A. No. | 5 Q. So it's possible that Christmas 2013 you |
| 6 Q. How did that make you feel when he would say | 6 still were in the frame of mind that, I don't know for |
| 7 that? | 7 sure? |
| 8 A. Angry. | 8 A. It could have been, yes. |
| 9 Q. Why would that make you feel angry? | 9 Q. Did you say anything to Kimberly during this |
| 10 A. Because I felt like that what I saw and what | 10 Christmas 2013 conversation? |
| 11 I remembered was the truth, and I still think it is, | 11 A. I don't remember. |
| 12 but every time he would just say that no, she did it, | 12 Q. Did she say any other reason why she thought |
| 13 she did it, it would just make me mad. | 13 she -- why -- Strike that. |
| 14 So that -- basically, just makes me mad that | 14 Did Kimberly, during this 2013 Christmas |
| 15 (inaudible response). | 15 conversation, tell you that she believed your mom did |
| 16 THE REPORTER: I'm sorry. "But basically just | 16 it, for any other reason? |
| 17 makes me"? | 17 A. I don't remember. |
| 18 BY THE WITNESS: | 18 Q. How long was the conversation? |
| 19 A. Think that he -- makes me think that he just | 19 A. About an hour. |
| 20 going against my own thought. | 20 Q. Was anyone else there? |
| 21 Q. Did he ever tell you no, you don't know what | 21 A. In the household or just the conversation? |
| 22 happened because you were sleeping? | 22 Q. Present for your conversation. |
| 23 A. No. | 23 A. Just me and her. |
| 24 Q. Did you ever tell him that you were | 24 Q. How old is she -- Kimberly? |

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|--|---|
| 1 A. Then or now? | 1 Q. What do you mean by that, you had "no choice |
| 2 Q. Well, how old is she now? | 2 of words?" |
| 3 A. Twenty-two. | 3 A. Like I didn't feel like it was necessary to |
| 4 Q. And how would you describe this conversation | 4 respond to it because the way she -- the way she said |
| 5 you had with her? Was it an argument or more of like | 5 it was not a positive way. |
| 6 a heart-to-heart discussion? | 6 Q. During the conversation you had with |
| 7 A. Heart to heart. | 7 Kimberly about this topic, were you angry? |
| 8 Q. So no one was yelling at each other? | 8 A. No. |
| 9 A. No. | 9 Q. It was just a heart-to-heart discussion? |
| 10 Q. Have you since spoken with Kimberly Dancy | 10 A. Yes. |
| 11 about whether Jaquari was killed by your mom? | 11 Q. And that was a positive or constructive |
| 12 A. Ever since? | 12 conversation? |
| 13 Q. Ever since that Christmas 2013 discussion? | 13 A. Yes. |
| 14 A. No. | 14 Q. And did you, at that time, convince Kimberly |
| 15 Q. That's the last time you talked to her about | 15 to think differently? |
| 16 it? | 16 A. No. |
| 17 A. Yes. | 17 Q. Did you walk away from that conversation |
| 18 Q. Do you remember any other conversations that | 18 still in your head, in the frame of mind that maybe |
| 19 you had with your sister, Kimberly, about Jaquari's | 19 she did it; maybe she didn't? |
| 20 death? | 20 A. Yes. |
| 21 A. Don't remember, no. | 21 Q. So is another reason you didn't argue with |
| 22 Q. Are you close with this sister, Kimberly? | 22 your Auntie Pat because you weren't really sure |
| 23 A. Yes. | 23 whether to argue or not argue? |
| 24 Q. Okay. And you said that you talked with | 24 A. Yes. |
| Page 54 | Page 56 |
| 1 your Auntie Pat about her belief that your mom killed | 1 Q. Did any of your family members ask you if |
| 2 Jaquari? | 2 your mom killed Jaquari? |
| 3 A. Yes. Not necessarily a conversation, but | 3 A. No. |
| 4 more like -- just her own opinion out loud, at random. | 4 Q. And just so I'm clear, did anybody come |
| 5 Q. Where was this? | 5 straight out and say, did you see your mom kill your |
| 6 A. My grandma house. | 6 brother? |
| 7 Q. Was this before or after your grandma passed | 7 A. My brother did, Sta-von. |
| 8 away? | 8 Q. Sta-von, Jr., asked? |
| 9 A. After. | 9 A. Yes. |
| 10 Q. Was anyone else present for this | 10 Q. When did he ask you that? |
| 11 conversation? | 11 A. One of my arguments -- I don't remember |
| 12 A. No. | 12 when. |
| 13 Q. And what did your Auntie Pat say? | 13 Q. And how old were you back then? |
| 14 A. I don't remember exactly, but I just | 14 A. I'm not sure. Don't know. |
| 15 remember her saying something about my momma killing | 15 Q. Was that still when you were around 10 or |
| 16 Jaquari or something like that. | 16 11? |
| 17 Q. How did that come up? | 17 A. Yes. |
| 18 A. I don't remember. | 18 Q. And how did you respond to his direct |
| 19 Q. Did you respond? | 19 question? |
| 20 A. No. | 20 A. Can you repeat the question? |
| 21 Q. Why not? | 21 Q. Sure. You said that -- during one of your |
| 22 A. Because it was kind of like after my sister | 22 arguments with Sta-von, Jr., he came out and asked |
| 23 had the talk with me, so I didn't really have no | 23 you, did you see your mom kill Jaquari; right? |
| 24 choice of words. | 24 A. Mm-hmm. Yes. |

14 (Pages 53 to 56)

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| Page 57 | Page 59 |
|---|---|
| 1 Q. And my question to you was, how did you | 1 tape. |
| 2 respond to that question? | 2 Q. But your lawyers -- during the three |
| 3 A. I don't remember, but I believe I told him | 3 meetings that you had with your lawyers in the last |
| 4 that she didn't. And I always stuck with what I said | 4 month or so, you did not see that videotape? |
| 5 that Jaquari killed his self with the string. | 5 A. No. |
| 6 Q. And was that one of the arguments where you | 6 MS. SUSLER: Objection to form. |
| 7 were mad? | 7 BY MR. NATHAN: |
| 8 A. Yes. | 8 Q. And you understand that you have seen -- |
| 9 Q. Did anyone else in your family ask you that | 9 read the transcript of that videotape within the last |
| 10 direct question: Did you see your mom kill Jaquari? | 10 month or so? |
| 11 A. I don't remember. | 11 MS. SUSLER: Objection. Form. |
| 12 (Dancy Deposition Exhibit No. 125 | 12 BY THE WITNESS: |
| 13 marked as requested.) | 13 A. I didn't read it, but I just skimmed through |
| 14 BY MR. NATHAN: | 14 it. (Inaudible response.) |
| 15 Q. I'm handing you what's been marked as | 15 THE REPORTER: I'm sorry. |
| 16 Exhibit 125. Okay. So earlier in the deposition I | 16 BY THE WITNESS: |
| 17 asked you if you reviewed any documents to prepare. | 17 A. More likely I skimmed through it. |
| 18 A. Yes. | 18 Q. And do you understand that you were |
| 19 Q. And you said that you did review your | 19 interviewed by Dr. Galatzer-Levy on two separate |
| 20 interview with Dr. Galatzer-Levy. | 20 occasions in 2006? |
| 21 MS. SUSLER: Objection. That misstates his | 21 A. Yes. |
| 22 testimony. | 22 Q. The first occasion was April 11th, 2006? |
| 23 BY MR. NATHAN: | 23 A. I don't remember. |
| 24 Q. Did you say that before? | 24 Q. And the second occasion was April 15th, |
| Page 58 | Page 60 |
| 1 A. Yes. | 1 2006? |
| 2 Q. Is this what you reviewed? | 2 A. I don't remember. |
| 3 A. No. Well. Similar. I'm not sure it's the | 3 Q. If the transcript says that, do you have any |
| 4 same document. | 4 reason to dispute that? |
| 5 Q. Okay. Did you actually review -- there's a | 5 A. No. |
| 6 videotape of you being interviewed by the doctor? | 6 Q. Now, in April of 2006, your memory was |
| 7 A. Yes, but not recent. | 7 fresher than it is today about what happened to |
| 8 Q. Okay. But you've seen that before? | 8 Jaquari? |
| 9 A. Yes. | 9 A. Yes. |
| 10 Q. Do you remember that interview? | 10 Q. You're not disputing that, right? |
| 11 A. No. | 11 A. No. |
| 12 Q. Okay. So just so I'm clear, I'm asking you | 12 Q. I'm going to use the page numbering at the |
| 13 if, as you're sitting here, and, you know, if you were | 13 top here (indicating) because that will refer to all |
| 14 to close your eyes and think into your brain, do you | 14 the pages. Okay? |
| 15 have an actual memory of sitting in that office with | 15 A. Okay. |
| 16 Dr. Galatzer-Levy and being asked questions and giving | 16 Q. So it says 1 of 56. So any of the page |
| 17 answers? | 17 numbers I refer to would be from that numbering |
| 18 A. No. | 18 system. Okay? |
| 19 Q. Okay. No memory at all? | 19 A. Okay. |
| 20 A. No. | 20 Q. So turn to Page 40, please. |
| 21 Q. When did you last see the videotape of your | 21 Now, in the middle of the page it's -- |
| 22 interview with him? | 22 Dr. Galatzer-Levy asks: Okay. How did they know he |
| 23 A. I believe it was the last time or before | 23 was fit to die? |
| 24 that last time that I saw Ali, that she showed me the | 24 Do you see that? |

15 (Pages 57 to 60)

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| Page 61 | Page 63 |
|---|--|
| 1 A. Yes. | 1 Question: No? |
| 2 Q. So I'm going to read a portion and ask you | 2 Diante: Uh-huh. It was off him when we got |
| 3 if you remember this. | 3 in trouble. |
| 4 Dr. Galatzer-Levy asks you question: Okay. | 4 Let me just refer you to one other place |
| 5 How did they know he was fit to die? | 5 before I ask you a question. |
| 6 You give an answer: Because, because I | 6 MS. SUSLER: I'm already objecting to form, but |
| 7 think they saw him, had a real large bubble, | 7 go ahead. |
| 8 Dr. Levy: A real large bump? | 8 BY MR. NATHAN: |
| 9 Diante: Um-hmm. Because I didn't see what | 9 Q. Go to Page 36. All right. |
| 10 happened. | 10 Dr. Galatzer-Levy -- and I'm starting with |
| 11 Dr. Galatzer-Levy: Okay. | 11 the first substantive question on this page from |
| 12 Diante: I was still asleep. | 12 Dr. Levy -- Uh-huh. But was there anybody -- now you |
| 13 Dr. Levy: Oh, you were asleep? Okay. So | 13 were talking about your mom and dad. Were -- were |
| 14 you were, the two of you went to sleep -- well, the | 14 they in the room or were they in a different room? |
| 15 two of you went to bed, and then, uh, so, and then you | 15 Diante: They were in their room. |
| 16 were asleep for a while, and then when did you know | 16 Question: Oh, they were in their room? |
| 17 something was wrong? | 17 Okay. And you were in your room with Jaquari. Okay. |
| 18 Answer: When I know? | 18 Then what happened? |
| 19 Question: Yeah. When did you know that | 19 He put the sheet around his neck. |
| 20 Jaquari was, things weren't good with Jaquari? | 20 What happened next? |
| 21 Please turn the page. | 21 Well, well, he got in troubles, and my mom |
| 22 And you responded: Because when I -- when I | 22 and daddy left us in the house. And when we can't go |
| 23 waked up, I saw -- I didn't see Jaquari. I didn't see | 23 outside -- sorry. And then we can't go outside, but |
| 24 Mom and Dad. | 24 we did get in trouble. |
| Page 62 | Page 64 |
| 1 Question: Oh, okay. | 1 Question: Okay. So -- |
| 2 Answer: Because they left the house. I was | 2 Answer: And then -- |
| 3 all alone. | 3 Question: Hold on. Because I want to make |
| 4 Question: Oh, you were all alone? | 4 sure I understand things real clear here. So he put |
| 5 Answer: Um-hmm. | 5 the sheet -- you had gotten in trouble; right, because |
| 6 Question: And did you see Jaquari with this | 6 you went outside? |
| 7 thing around his neck? | 7 Answer: Yeah. Both of us was get in |
| 8 Um-hmm. | 8 trouble. |
| 9 Question: And that was before you went to | 9 Question: But, uh, you got in trouble, but |
| 10 sleep or after you -- when did you see him with the | 10 was that before or after he put the sheet around his |
| 11 thing around his neck? | 11 neck? |
| 12 Question: When we was taking turns playing | 12 Question [sic]: First he put the sheet |
| 13 that Spiderman game. | 13 around his neck -- |
| 14 Continuing. Okay. When you were taking | 14 MR. HALE: Answer. |
| 15 turns playing the Spiderman game and as part of the | 15 MR. NATHAN: I'm sorry. Answer. Diante |
| 16 Spiderman game he put this or -- | 16 answering here: First he put the sheet around his |
| 17 Answer: Talking about when he played, when | 17 neck. |
| 18 he's going to kill Spiderman. It was my turn, and | 18 Question from Dr. Levy -- Galatzer-Levy: Okay. |
| 19 then he grabbed that white part of the sheet, then, | 19 When -- and then you went outside? |
| 20 like, put it around his neck. | 20 Answer: Um-hmm. We got in trouble. |
| 21 Question: Okay. Okay. When you went to | 21 Question: And got in trouble and then what |
| 22 sleep, he had -- he had this? Did he have it around | 22 happened? |
| 23 his neck? Yes? | 23 Answer: We played -- we was in the house, |
| 24 Diante: Uh-huh. | 24 and when we went out, I mean, in -- my mom had a belt |

16 (Pages 61 to 64)

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| Page 65 | Page 67 |
|--|---|
| 1 and whoop us and, uh, inaudible, he wouldn't be -- we | 1 Did you read this part of the transcript |
| 2 have a bunk bed. | 2 during your preparation for the deposition? |
| 3 Question: Un-huh. | 3 A. Yes. |
| 4 And answer from Diante: It was -- it's like | 4 Q. So you read that -- you told Dr. Levy that |
| 5 we had in Edwardsville, but in Edwardsville, where we | 5 you guys got in trouble after he put the sheet around |
| 6 he had one bed, I was too close to the right here when | 6 his neck; right? |
| 7 -- when us he fall. | 7 MS. SUSLER: Objection. The exhibit speaks for |
| 8 Un-huh -- from Dr. Levy. | 8 itself. |
| 9 Answer from Diante: And then I already fell | 9 BY THE WITNESS: |
| 10 on my head. | 10 A. Yes. |
| 11 Okay. Let's stop there for a minute. | 11 Q. And you told Dr. Levy that after the sheet |
| 12 Did you see the response that you gave on | 12 was around Jaquari's neck, that's when you went |
| 13 Page 40 when you said, "Because I didn't see what | 13 outside; right?" |
| 14 happened?" | 14 A. (Inaudible response.) |
| 15 MS. SUSLER: First of all. Let me just interject | 15 MS. SUSLER: Same objection. |
| 16 an objection to form. | 16 BY THE WITNESS: |
| 17 MR. NATHAN: Okay. | 17 A. Yes. |
| 18 BY MR. NATHAN: | 18 Q. And after you went outside is when your mom |
| 19 Q. Are you with me there? | 19 hit you with -- hit you with a belt? |
| 20 MS. SUSLER: Right after it says, "a really large | 20 A. Yes. |
| 21 bump" in the question. Right here (indicating.) | 21 MS. SUSLER: Objection. The transcript speaks |
| 22 Is that what you're referring to? | 22 for itself. |
| 23 MR. NATHAN: Yes. Thank you. | 23 BY MR. NATHAN: |
| 24 BY MR. NATHAN: | 24 Q. Okay. So go to Page 38 for a second at the |
| Page 66 | Page 68 |
| 1 Q. Do you see that? It says -- you told | 1 last two questions and answers on this page. |
| 2 Dr. Galatzer-Levy, because I didn't see what happened. | 2 It says -- questions from Dr. Galatzer-Levy: |
| 3 And then he said okay. And you said, I was still | 3 When they came back, what happened? |
| 4 asleep. | 4 Answer: We got in trouble. |
| 5 MS. SUSLER: All right. Objection. Form. | 5 Question: Okay. When you say you got in |
| 6 Completeness. | 6 trouble, what -- can you tell me what happened when |
| 7 BY MR. NATHAN: | 7 you got into trouble? |
| 8 Q. Okay. Do you see that? | 8 Answer: Then, uh, then she, then my mom |
| 9 A. Yes. | 9 whipped Jaquari first, then me with a belt. We go in |
| 10 Q. Were you lying to Dr. Galatzer-Levy? | 10 our room. |
| 11 MS. SUSLER: Objection. Form. | 11 Did you say that to Dr. Galatzer-Levy? |
| 12 BY THE WITNESS: | 12 A. Yes. |
| 13 A. No. | 13 MS. SUSLER: Same objections. |
| 14 Q. Were you trying your best to describe what | 14 BY MR. NATHAN: |
| 15 you remember seeing? | 15 Q. So you told Dr. Levy that you were asleep |
| 16 A. Yes. | 16 when Jaquari died; right? |
| 17 Q. And you told him that you were asleep and | 17 MS. SUSLER: Objection. Form and misstates the |
| 18 you didn't see what happened; right? | 18 exhibit. |
| 19 MS. SUSLER: Objection. Form. Incomplete. | 19 BY MR. NATHAN: |
| 20 BY THE WITNESS: | 20 Q. That's what we just read; correct? |
| 21 A. Yes. | 21 A. (Inaudible response.) |
| 22 Q. Okay. Now, turning back to Page 36 in the | 22 THE REPORTER: Pardon me? |
| 23 sequence of how you're describing it to Dr. Levy -- | 23 BY THE WITNESS: |
| 24 well, let me back up. | 24 A. Yes. |

17 (Pages 65 to 68)

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| Page 69 | Page 71 |
|--|---|
| <p>1 Q. "Yes"?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And you told him that because you</p> <p>4 were being as truthful as you could be; right?</p> <p>5 A. Yes.</p> <p>6 Q. And you also told him that after you were</p> <p>7 playing this Spiderman game, that's when you went</p> <p>8 outside; right?</p> <p>9 MS. SUSLER: Objection. Are you asking what the</p> <p>10 transcript says? Because you've already exhausted his</p> <p>11 memory.</p> <p>12 MR. NATHAN: You can answer the question.</p> <p>13 MS. SUSLER: I want to know if you're asking him</p> <p>14 what the transcript says.</p> <p>15 BY THE WITNESS:</p> <p>16 A. Can you direct me to what page it was?</p> <p>17 Q. Sure. It's Page 36.</p> <p>18 A. Can you repeat what you said?</p> <p>19 Q. Sure. You told Dr. Levy -- Galntzer-Levy --</p> <p>20 that you went outside after you played the game with</p> <p>21 Jaquari; right?</p> <p>22 A. Yes.</p> <p>23 MS. SUSLER: Objection. Misstates the exhibit.</p> <p>24 BY MR. NATHAN:</p> | <p>1 BY THE WITNESS:</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And you were truthful with him;</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. So now let's go back. You can close that</p> <p>7 for the time being.</p> <p>8 What's the first thing that you remember</p> <p>9 about the day that Jaquari died?</p> <p>10 A. The first thing I remember is playing the</p> <p>11 Spiderman game. And when I saw him, he had the string</p> <p>12 around his neck.</p> <p>13 Q. What's the next thing you remember?</p> <p>14 A. Waking up and it's -- don't know if it's the</p> <p>15 same day, but waking up and being in the house by</p> <p>16 myself.</p> <p>17 Q. Do you remember getting hit with the belt?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And do you remember, like you told</p> <p>20 Dr. Levy, that you got hit with the belt after the</p> <p>21 Spiderman game?</p> <p>22 MS. SUSLER: Objection. Form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. Can you explain that more?</p> |
| Page 70 | Page 72 |
| <p>1 Q. That's what the exhibit says; right? That's</p> <p>2 what it says?</p> <p>3 MS. SUSLER: Objection. The exhibit is 56 pages.</p> <p>4 If you're asking him if that's what it says on Page 36</p> <p>5 -- is that the question?</p> <p>6 BY MR. NATHAN:</p> <p>7 Q. You're stating at -- strike that.</p> <p>8 Diante, you're looking at Page 36 Of Exhibit</p> <p>9 120 -- What is that 124 or 125? 125; right?</p> <p>10 A. Yes.</p> <p>11 Q. And right there in front of you -- the</p> <p>12 exhibit is a transcript, and it has you telling</p> <p>13 Dr. Levy that you played the game with Jaquari first</p> <p>14 and then you went outside; correct?</p> <p>15 A. Yes.</p> <p>16 Q. And after that, you got in trouble with</p> <p>17 Jaquari because -- and your mom hit you guys with the</p> <p>18 belt; right?</p> <p>19 MS. SUSLER: Objection. If you're asking him if</p> <p>20 that's what the transcript says on Page 36 -- is that</p> <p>21 the question?</p> <p>22 MR. NATHAN: That's the question right now.</p> <p>23 MS. SUSLER: Is that the question?</p> <p>24 MR. NATHAN: That's the question.</p> | <p>1 Q. Sure. I'm asking you about the sequence.</p> <p>2 Okay. In your memory, do you also remember, just like</p> <p>3 you told Dr. Levy, that you got hit with the belt</p> <p>4 after you were playing the Spiderman game?</p> <p>5 MS. SUSLER: Objection, form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So you said the first thing you</p> <p>9 remember was playing the Spiderman game; right?</p> <p>10 A. Yes.</p> <p>11 Q. Tell me the next thing you remember from</p> <p>12 that day? So how do you get from playing the</p> <p>13 Spiderman game to where you're being hit by the belt?</p> <p>14 A. I can't remember exactly, but I remember</p> <p>15 playing the Spiderman game, seeing Jaquari with the</p> <p>16 string around his neck. Then I woke up, and Mom and</p> <p>17 Dad and Jaquari was gone. And getting hit with the</p> <p>18 belt -- I can't say that's the same day, but I</p> <p>19 remember us going outside when we wasn't supposed to,</p> <p>20 and we came back -- Mom and Dad came back home, saw we</p> <p>21 was outside, and we got in trouble.</p> <p>22 Q. So before you got hit with the belt, what</p> <p>23 were you doing?</p> <p>24 A. We was playing outside.</p> |

18 (Pages 69 to 72)

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| Page 73 | Page 75 |
|--|--|
| 1 Q. Okay. And where were you outside? What | 1 but I just know when we went outside playing with |
| 2 does that mean? The front? Back? | 2 them; we was just running around a lot. |
| 3 A. The back. | 3 Q. Okay. Do you remember before you went |
| 4 Q. And that's at your apartment building at | 4 outside? |
| 5 2004 North Laporte? | 5 A. No. |
| 6 A. Yes. | 6 Q. Do you remember where your parents had gone? |
| 7 Q. And what does the back look like? | 7 A. No. |
| 8 A. A lot of concrete. | 8 Q. Do you remember if they were in the house? |
| 9 Q. And the last month while you were preparing | 9 A. Yes, they wasn't. |
| 10 for the deposition with your lawyers, did you look at | 10 Q. How do you remember that? |
| 11 photos of that building? | 11 A. Because I remember them telling us that we |
| 12 A. No. | 12 couldn't go outside, they'd be right back, and they |
| 13 Q. Did you look at photos of the back of the | 13 told us to stay in the house, but we didn't listen. |
| 14 building? | 14 Q. You didn't listen, meaning you and Jaquari |
| 15 A. No. | 15 didn't listen? |
| 16 Q. But you remember there's concrete? | 16 A. Yes. |
| 17 A. Yes. | 17 Q. And you saw them leave the house? |
| 18 Q. Do you remember there being any kind of | 18 A. Yes. |
| 19 porch? | 19 Q. And once they left the house, what did you |
| 20 A. Yes. | 20 guys do? |
| 21 Q. So what were you doing outside? What game | 21 A. We went outside when we weren't supposed to. |
| 22 were you playing? | 22 Q. Do you remember anything about being in the |
| 23 A. Can you explain that more? Outside, like -- | 23 house before you went outside? |
| 24 Q. Okay. | 24 A. No. |
| Page 74 | Page 76 |
| 1 MS. SUSLER: Were you done with your answer? | 1 Q. Do you remember how you got outside? |
| 2 THE WITNESS: No. | 2 A. Yes. |
| 3 BY MR. NATHAN: | 3 Q. How did you get outside? |
| 4 Q. Okay. Please finish. | 4 A. We had a backdoor to the backyard, so we |
| 5 A. I just wanted to make sure it was clear | 5 just opened the back door and went outside. |
| 6 that -- are you talking about when we was outside, | 6 Q. Who opened the backdoor? |
| 7 what we was doing? | 7 A. Me. |
| 8 Q. Yeah, that's what I'm trying to get at. So | 8 Q. Did you talk to Jaquari before opening the |
| 9 I was going to ask hopefully a better question. | 9 backdoor? |
| 10 A. Okay. We was outside playing with these | 10 A. I don't remember. |
| 11 two -- I can't remember if it was exactly two girls, | 11 Q. How long were you out there playing? |
| 12 but I remember we had friends from another apartment | 12 A. I don't remember. |
| 13 in the building, and we used to always go outside and | 13 Q. Could it have been an hour? |
| 14 play with them. So when we went outside, we was | 14 A. It could have been. I don't remember. |
| 15 playing with them. | 15 Q. Could it have been two hours? |
| 16 Q. So what game were you playing with the girl | 16 A. I don't remember. |
| 17 or girls? | 17 Q. You just have no idea? |
| 18 A. I don't remember. | 18 A. No. |
| 19 Q. So how was it that you remember playing a | 19 Q. Meaning I'm correct? You have no idea about |
| 20 game? What do you play -- What do you remember? | 20 the time? |
| 21 A. Outside? | 21 A. Yes. |
| 22 MS. SUSLER: Objection. Form. | 22 Q. So after you were playing for some period of |
| 23 BY THE WITNESS: | 23 time, what happened next? |
| 24 A. I don't remember exactly what I was playing, | 24 A. Mom and Dad came home, and they caught us |

19 (Pages 73 to 76)

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| Page 77 | Page 79 |
|--|--|
| 1 outside. Told us to come in, and we got in trouble. | 1 hurt to get hit with the belt? |
| 2 Q. Who told you to come in? | 2 A. Yes. |
| 3 A. I don't remember exactly who. | 3 Q. How many times did you get hit with the |
| 4 Q. So what did -- do you remember your mom | 4 belt? |
| 5 yelling at you to come inside? | 5 A. Don't know. |
| 6 A. No. | 6 Q. Was it more than one? |
| 7 Q. Do you remember her saying, Get "your asses | 7 A. Pretty sure, yes. |
| 8 inside"? | 8 Q. Was it more than five? |
| 9 A. No. | 9 A. I don't know. |
| 10 Q. Do you remember her saying, "Get the "F" | 10 Q. Could it have been up to 10 or 20 times? |
| 11 back in the house"? | 11 A. No. |
| 12 A. No. | 12 Q. On a level of 1 to 10, 10 being the hardest |
| 13 Q. Are you saying she didn't say that or you're | 13 and 1 being the softest, how hard were you hit with |
| 14 just saying you don't remember the words she used? | 14 the belt? |
| 15 A. I don't remember. | 15 A. I don't remember. |
| 16 Q. Do you remember if she was yelling? | 16 Q. I'm showing you what's been previously |
| 17 A. Yes. | 17 marked as Exhibit 66A. Do you see that belt on the |
| 18 Q. You do remember that? | 18 table there? |
| 19 A. Yes. | 19 A. Yes. |
| 20 Q. How loud was she yelling? | 20 Q. Is that the belt that you were hit with? |
| 21 A. I don't remember. | 21 A. I don't remember. |
| 22 Q. Did she sound angry? | 22 Q. Could it have been? |
| 23 A. Yes. | 23 A. It could have been. |
| 24 Q. Did she sound very angry? | 24 Q. Do you recognize that photograph? |
| Page 78 | Page 80 |
| 1 A. Yes. | 1 A. No. |
| 2 Q. Was your dad yelling at you? | 2 Q. Do you recognize that room? |
| 3 A. I don't remember. | 3 A. No. |
| 4 Q. How did you then come to get hit with the | 4 Q. Are you able to describe the layout of your |
| 5 belt? | 5 apartment at 2004 North Laporte? |
| 6 A. We came inside -- both my mom and dad was | 6 A. No. |
| 7 there, and we got hit with the belt, and then we got | 7 Q. Do you know if it was a first floor or |
| 8 sent to the room to go to sleep. | 8 second floor? |
| 9 Q. Who hit you with the belt? | 9 A. I don't remember, no. |
| 10 A. I don't remember. | 10 Q. Do you remember if it was a ground level |
| 11 Q. Where did you get hit with the belt? | 11 apartment? |
| 12 A. I don't remember. | 12 A. No. |
| 13 Q. But you do remember actually being hit with | 13 Q. Do you know if it was a basement apartment? |
| 14 the belt? | 14 A. No. |
| 15 A. Yes. | 15 Q. It could have been? |
| 16 Q. And you do remember seeing Jaquari get hit | 16 A. Not a basement, no. |
| 17 with the belt? | 17 Q. But you don't know if it was first, second, |
| 18 A. Yes. | 18 or third floor? |
| 19 Q. Do you remember crying? | 19 A. Correct. |
| 20 A. Yes. | 20 Q. Do you know how many bedrooms were there? |
| 21 Q. Do you remember crying because it hurt to | 21 A. No. |
| 22 get hit with the belt? | 22 Q. It could have been three? It could have |
| 23 A. Yes. | 23 been two? It could have been one? |
| 24 Q. Do you remember Jaquari crying because it | 24 A. It could have been two. |

20 (Pages 77 to 80)

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|---|---|
| 1 Q. But you don't know? | 1 you talking about having the game? Are you talking |
| 2 A. No. | 2 about playing a certain day? What are you talking |
| 3 Q. Do you remember, besides bedrooms, if there | 3 about? |
| 4 were any other rooms? | 4 BY MR. NATHAN: |
| 5 A. The living room, that's it. | 5 Q. You said you have a memory of Jaquari |
| 6 Q. Do you have a specific memory of that living | 6 playing a Spiderman game; right? |
| 7 room? | 7 A. Yes. |
| 8 A. No. | 8 Q. Do you have a memory of him playing that |
| 9 Q. So why are you saying there's a living room? | 9 game more than one time? |
| 10 Just because you're assuming there's a living room? | 10 A. Yes. |
| 11 MS. SUSLER: Objection. Form. | 11 Q. Okay. And how many times do you remember |
| 12 BY THE WITNESS: | 12 him playing that? |
| 13 A. I remember there being a living room because | 13 A. Both of us, very often. |
| 14 if I'm correct -- I'm not going to say that. I know | 14 Q. Okay. So what do you mean by, you would |
| 15 there was a living room if -- I don't remember it now. | 15 play a Spiderman game "very often"? |
| 16 Q. So I'm trying to understand the type of | 16 A. Almost every day. |
| 17 memory you have in your head about a living room. Do | 17 Q. And how would you play that game, typically? |
| 18 you -- if you close your eyes, can you see or imagine | 18 A. Day or night -- It was just one joystick, so |
| 19 in your head the living room? | 19 we was always just playing it and passing it on when |
| 20 A. A little bit. | 20 we done. |
| 21 Q. So what is it that you see in your head, | 21 Q. Was this on some kind of gaming system? |
| 22 when you close your eyes, about the living room? | 22 A. No. It was like the joystick just plug into |
| 23 A. I remember much like this photo, I believe, | 23 the TV and you just play it. |
| 24 yes. | 24 Q. Would you have to pop in some kind of game? |
| Page 82 | Page 84 |
| 1 Q. And when you closed your eyes, are you able | 1 A. No. |
| 2 to picture yourself getting hit with that belt? | 2 Q. Okay. So when you refer to playing a |
| 3 A. No. | 3 Spiderman game, you're talking about playing it on the |
| 4 Q. Can you hear Jaquari crying during -- | 4 TV? |
| 5 getting hit with the belt? | 5 A. Yes. |
| 6 MS. SUSLER: Objection. Asked and answered. | 6 Q. With a joystick? |
| 7 BY MR. NATHAN: | 7 A. Yes. |
| 8 Q. When you close your eyes, can you picture | 8 Q. And you'd play that all the time with him? |
| 9 that in your head? | 9 A. Yes. |
| 10 A. No. | 10 Q. When you say "playing" -- you would play a |
| 11 Q. But you do remember him crying from getting | 11 Spiderman game with Jaquari, would you ever play it in |
| 12 hit with the belt? | 12 any other way besides for just -- with the joystick, |
| 13 A. Yes. | 13 with the TV? |
| 14 Q. And you remember getting hit with the belt | 14 A. No. |
| 15 more than once? | 15 Q. Do you know if you played that game on the |
| 16 A. Yes. | 16 day that Jaquari died or not? |
| 17 MS. SUSLER: Objection. Asked and answered. | 17 A. Don't remember. |
| 18 BY MR. NATHAN: | 18 Q. Do you remember at some point Jaquari had an |
| 19 Q. Okay. Now, going back to the Spiderman | 19 elastic band around his neck? |
| 20 game, so backing up in the sequence. | 20 A. Yes. |
| 21 MS. SUSLER: Objection. Form. | 21 Q. Do you know what day that was? |
| 22 BY MR. NATHAN: | 22 A. No. |
| 23 Q. Tell me everything you remember about that. | 23 Q. You're not sure if it's the same day as when |
| 24 MS. SUSLER: Objection. Form. Foundation. Are | 24 you woke up and when your parents came back and took |

21 (Pages 81 to 84)

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|--|--|
| <p>1 you to the hospital?</p> <p>2 MS. SUSLER: Objection. Form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I'm not sure.</p> <p>5 Q. How many times do you remember Jaquari</p> <p>6 playing with that elastic?</p> <p>7 A. Once.</p> <p>8 Q. The time that you remember Jaquari playing</p> <p>9 with that elastic, what is it that you remember about</p> <p>10 that?</p> <p>11 A. All I remember is we were both playing the</p> <p>12 Spiderman game, taking turns, and when I must have</p> <p>13 turned around, he had it around his neck.</p> <p>14 Q. So you were playing on the TV?</p> <p>15 A. Yes.</p> <p>16 Q. The elastic band, that had nothing to do</p> <p>17 with the Spiderman game, though; right?</p> <p>18 MS. SUSLER: Objection. Form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. No.</p> <p>21 Q. Am I correct?</p> <p>22 A. Yes.</p> <p>23 Q. Can you speak up?</p> <p>24 A. Yes.</p> | <p>1 lunch break?</p> <p>2 MS. SUSLER: Yeah.</p> <p>3 MR. NATHAN: I'd like to do that as soon as</p> <p>4 you're at a place nearby where we can take a break.</p> <p>5 BY MR. NATHAN:</p> <p>6 Q. Do you think you can withstand another 15</p> <p>7 minutes of questions before lunch?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. So you said that you were playing the</p> <p>10 Spiderman game, you turned around, and you see him</p> <p>11 playing with the elastic cord around his neck?</p> <p>12 A. Yes.</p> <p>13 Q. How was his body positioned when he was</p> <p>14 doing that?</p> <p>15 A. I don't remember.</p> <p>16 Q. So was he standing?</p> <p>17 A. I don't remember.</p> <p>18 Q. Was he sitting?</p> <p>19 A. I don't remember.</p> <p>20 Q. Was he lying on the floor?</p> <p>21 A. I don't remember.</p> <p>22 Q. Was he talking to you?</p> <p>23 A. Yes.</p> <p>24 Q. What was he saying?</p> |
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| <p>1 Q. Thank you. So you turned around and what</p> <p>2 did you see?</p> <p>3 A. He had the string from the bed sheets around</p> <p>4 his neck.</p> <p>5 Q. Where was it around his neck?</p> <p>6 A. Like all around his neck right here</p> <p>7 (indicating).</p> <p>8 Q. And where was the sheet?</p> <p>9 A. Still on the bed.</p> <p>10 Q. I apologize if I asked you this already, but</p> <p>11 in your preparations with your attorneys in the last</p> <p>12 month, did you review any photographs of the</p> <p>13 apartment?</p> <p>14 A. No.</p> <p>15 Q. Any photographs of the bed?</p> <p>16 A. No.</p> <p>17 Q. Have you ever seen any photographs of that</p> <p>18 apartment?</p> <p>19 A. No.</p> <p>20 MS. SUSLER: Can I just check in with you. I'm</p> <p>21 sorry. It's 12:05. How much more do you think you</p> <p>22 have?</p> <p>23 MR. NATHAN: A significant amount more.</p> <p>24 MS. SUSLER: So we're going to have to take a</p> | <p>1 A. I don't remember.</p> <p>2 Q. Did he seem like he was having a good time</p> <p>3 playing the game?</p> <p>4 A. Yes.</p> <p>5 Q. He seemed happy?</p> <p>6 A. Yes.</p> <p>7 Q. After that, you turned around and see him</p> <p>8 playing, and you said he talked to you, but you don't</p> <p>9 remember what he said; right?</p> <p>10 A. Yes.</p> <p>11 Q. But -- did he then get another turn with the</p> <p>12 Spiderman game?</p> <p>13 A. I don't remember.</p> <p>14 Q. Did you guys, after that, play anything</p> <p>15 else?</p> <p>16 A. I don't remember.</p> <p>17 Q. Did you take a turn with wrapping it around</p> <p>18 your neck?</p> <p>19 A. No.</p> <p>20 Q. How long was he talking to you when he had</p> <p>21 this around his neck?</p> <p>22 A. I don't know.</p> <p>23 Q. Is this the kind of memory that, if you</p> <p>24 close your eyes, you can actually see it?</p> |

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|--|---|
| 1 A. No. | 1 can actually remember -- all you can remember is the |
| 2 Q. Okay. Well, what type of memory is it? | 2 sheet being wrapped around; right? |
| 3 MS. SUSLER: Objection. Form. | 3 A. Yes. |
| 4 BY THE WITNESS: | 4 Q. How exactly was it wrapped around? |
| 5 A. I guess just a basic memory. | 5 MS. SUSLER: Objection. Asked and answered. |
| 6 Q. Okay. But if you close your eyes, you can't | 6 BY THE WITNESS: |
| 7 picture him with that sheet around his neck? | 7 A. Can you explain it a little bit more? Like |
| 8 A. Well, yeah I can picture the sheet around | 8 -- like how it was wrapped around his neck or like |
| 9 his neck; everything else, no. Only the playing the | 9 connected to the bed sheets? |
| 10 game and seeing the string around his neck. | 10 Q. Do you have a memory of both of those |
| 11 Q. So if you close your eyes, you're saying you | 11 things? |
| 12 can just picture the sheet around his neck, but you | 12 A. No, just the sheet around his neck. |
| 13 can't picture where he was standing or how he was | 13 Q. So you don't actually have a memory about |
| 14 standing; right? | 14 how it was connected to the bed? |
| 15 MS. SUSLER: Objection. That mischaracterizes | 15 A. Well, like it was -- I remember the sheet |
| 16 his answer. | 16 being pulled tightly because I remember like the sheet |
| 17 BY MR. NATHAN: | 17 just ripping -- the string ripping off the sheet. I |
| 18 Q. Is that correct? | 18 remember that. |
| 19 A. Yes. | 19 Q. Now, just focusing on what the wrapping |
| 20 Q. Did I mischaracterize you in any way? | 20 looked like around his neck, what is it that you |
| 21 A. A little. | 21 remember about that? |
| 22 Q. How? | 22 MS. SUSLER: Objection. Asked and answered. |
| 23 A. Cause I just remember the string around his | 23 BY THE WITNESS: |
| 24 neck. I don't remember where his legs or nothing | 24 A. It was wrapped around his neck at least |
| Page 90 | Page 92 |
| 1 were. | 1 twice. |
| 2 Q. So if you close your eyes, can you actually | 2 Q. Okay. And how could you tell that it was |
| 3 see the string? | 3 wrapped around two times? |
| 4 A. Yes. | 4 A. Like -- |
| 5 Q. So tell me exactly how that string looked as | 5 Q. Or at least two times. I didn't mean to |
| 6 you -- while you're closing your eyes or thinking | 6 misstate you. How could you -- Let me reask that |
| 7 about it. | 7 question. |
| 8 A. It was wrapped around his neck, maybe twice. | 8 How could you tell that it was wrapped |
| 9 I'm not sure. It was still attached to the sheet on | 9 around his neck at least two times? |
| 10 the bed. | 10 A. When he wrapped it around -- when it was |
| 11 Q. What part of the sheet was it attached to? | 11 wrapped around -- when I saw it wrapped around his |
| 12 A. I don't know. | 12 neck, it was like -- I can't explain it, but it was |
| 13 Q. What color was the sheet? | 13 like -- you could actually see like how he wrapped it |
| 14 A. Blue. | 14 around, and like you could see it come across again. |
| 15 Q. Is that something that you've discussed with | 15 Q. Okay. So you could see that they were |
| 16 anybody in the last few years? | 16 separate -- separate lines from the sheet? |
| 17 A. No. | 17 A. Yes. |
| 18 Q. Was it attached to the top bunk bed or the | 18 Q. Okay. So can you kind of point with your |
| 19 bottom bunk bed? | 19 fingers towards your neck so the video can show like |
| 20 A. Top. | 20 where the lines would have been? |
| 21 Q. And was it -- was it being pulled tightly, | 21 A. I think about right here (indicating). |
| 22 or you don't remember that? | 22 Q. Okay. And you're pointing -- the fingers |
| 23 A. It's being pulled tightly. | 23 are not on top of each other, they're separate from |
| 24 Q. You said that when you close your eyes you | 24 each other or are they -- |

23. (Pages 89 to 92)

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|---|---|
| 1 A. Separate, | 1 A. Yes. |
| 2 Q. Separate. Okay. So separate where you | 2 Q. Okay. And you did -- and you listened to |
| 3 could actually see the two different windings, you're | 3 that? |
| 4 saying? | 4 A. Yes. |
| 5 A. Yes. | 5 Q. You went to sleep? |
| 6 Q. And you're saying that the winding went all | 6 A. Yes. |
| 7 the way around his neck? | 7 Q. Do you know if Jaquari went to sleep? |
| 8 A. Yes. | 8 A. Yes. |
| 9 Q. Both times? | 9 Q. But you remember specifically yourself going |
| 10 A. Yes. | 10 to sleep? |
| 11 Q. So you said before that as you remember, you | 11 A. Yes. |
| 12 know, turning around, and you're playing the Spiderman | 12 Q. And you remember Jaquari going to sleep |
| 13 game with the joystick? | 13 before you? |
| 14 A. Yes. | 14 A. Yes. |
| 15 Q. And you turn around and see this sheet being | 15 Q. After you fell asleep, what's the next thing |
| 16 wrapped around his neck? | 16 you remember? |
| 17 A. Yes. | 17 MS. SUSLER: Are you talking about the time that |
| 18 Q. And you're talking to him; right? | 18 they got punished? |
| 19 A. Yes. | 19 MR. NATHAN: Well, he got it -- We just went |
| 20 Q. And he seemed happy? | 20 through that, yeah. |
| 21 A. Yes. | 21 MS. SUSLER: Okay. Just foundation. |
| 22 Q. And he was playing? | 22 BY THE WITNESS: |
| 23 MS. SUSLER: Objection, Asked and answered. | 23 A. I don't remember. |
| 24 BY MR. NATHAN: | 24 Q. Is there another time that you went to sleep |
| Page 94 | Page 96 |
| 1 Q. And he was playing? | 1 that is relevant to this discussion? |
| 2 A. Yes. | 2 MS. SUSLER: Objection to form. |
| 3 Q. And then what happened next? | 3 BY THE WITNESS: |
| 4 MS. SUSLER: Objection. Asked and answered. | 4 A. I don't think so, no. |
| 5 BY THE WITNESS: | 5 Q. You were talking about after you were |
| 6 A. I don't remember. | 6 disciplined outside, got hit with the belt and got |
| 7 MS. SUSLER: I think it's time for lunch. | 7 told to go to sleep, you and Jaquari did go to sleep; |
| 8 MR. HALE: That's fine. | 8 right? |
| 9 MR. NATHAN: Okay. | 9 A. Yes. |
| 10 THE VIDEOGRAPHER: We are now going off the | 10 Q. And you said earlier that the very next |
| 11 record at 12:16 p.m. | 11 thing you remember -- you don't even know if it was |
| 12 (Lunch break.) | 12 the same day -- you remember waking up? |
| 13 THE VIDEOGRAPHER: The time is 1:03 p.m. We are | 13 A. Yes. |
| 14 now back on the record. | 14 Q. And tell me the next thing you remember. |
| 15 BY MR. NATHAN: | 15 MS. SUSLER: Well, I object to the form of the |
| 16 Q. We just came back from a lunch break; | 16 question and the misstatement of his previous |
| 17 correct? | 17 testimony, but go ahead. |
| 18 A. Yes. | 18 BY MR. NATHAN: |
| 19 Q. And did you have a chance to talk with your | 19 Q. Did I misstate your testimony? |
| 20 attorney over the break? | 20 A. No. |
| 21 A. Yes. | 21 Q. Did I mischaracterize it in any other way? |
| 22 Q. You said that after your mom caught you and | 22 A. No. |
| 23 Jaquari outside and you both got hit with the belt, | 23 Q. Okay. Is there anything you would like to |
| 24 you were told to go to sleep? | 24 clarify about that? |

24 (Pages 93 to 96)

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|--|--|
| <p>1 A. Just that, like I said, I don't remember if 2 it's the same day or not, but the next thing I do 3 remember is waking up by myself. 4 MR. HALE: Can you read the answer back, please? 5 (Record read as requested.) 6 MR. HALE: Thank you. 7 BY MR. NATHAN: 8 Q. And when you woke up, where were you? 9 A. On top of the bunk bed -- on the top. 10 Q. Because that was where you slept? 11 A. Yes. 12 Q. Was it day or night? 13 A. Day. 14 Q. Meaning, it was still light outside? 15 A. Yes. 16 Q. And then what's the next thing you remember? 17 A. Right after I woke up, like a couple minutes 18 later, both my mom and dad come in, grab me, put me in 19 the car, and we went to the hospital. 20 Q. Who walked in first? Your mom or your dad? 21 A. I don't remember. 22 Q. Did they say anything to you at that time? 23 A. No. 24 Q. Do you remember what they were wearing?</p> | <p>1 A. We was in the car, and we went to the 2 hospital. 3 Q. Do you remember if you walked to the car or 4 they carried you to the car? 5 A. They carried me to the car. 6 Q. Did they -- when they carried you to the 7 car, did they run to the car or did they walk? 8 A. I don't remember. 9 Q. Did you say anything to them as they were 10 carrying you to the car? 11 A. I don't remember. 12 Q. Did they say anything to you as they were 13 carrying you to the car? 14 A. I don't remember. 15 Q. How far did they have to carry you to get to 16 the car? 17 A. I don't remember. 18 Q. Do you know what the car looked like? 19 A. No. 20 Q. Do you know what color it was? 21 A. I don't remember. 22 Q. Do you know the make or model? 23 A. I think it was the -- I can't remember car 24 names, so I don't remember.</p> |
| Page 98 | Page 100 |
| <p>1 A. No. 2 Q. Do you remember what you were wearing? 3 A. No. 4 Q. Do you remember saying anything to them at 5 that time? 6 A. No. 7 Q. How long were you in the house with them 8 before you guys drove to the hospital? 9 A. I don't remember. Not that long. 10 Q. Do you remember anything about their 11 demeanor? 12 A. No. 13 Q. Do you remember if they were yelling at you 14 or yelling at each other? 15 A. They wasn't. 16 Q. So they were not yelling at you? 17 A. No. 18 Q. And they were not yelling at each other? 19 A. No. 20 Q. Were they discussing anything with each 21 other? 22 A. I don't remember. 23 Q. Okay. So what is the next thing you 24 remember?</p> | <p>1 Q. But you don't remember the color? 2 A. No. 3 Q. Do you remember if they held you in their 4 arms or if they put you in a child safety seat? 5 A. Arms. 6 Q. Were you in the front? 7 A. No, no, no. Not in the car. Are you 8 talking about when they carried me to the car or in 9 the car? 10 Q. I think you said you don't remember how long 11 it took to get to the car; right? 12 A. Right. 13 Q. Now once you're at the car, though, did they 14 buckle you into a child safety seat or they were -- 15 carried you still? 16 A. They buckled me into the child seat. 17 Q. Is that something you specifically remember 18 or you're just assuming it because that's how kids -- 19 A. That's what I remember. 20 Q. So you actually remember this car drive? 21 A. Yes. 22 Q. How long was the drive? 23 A. I don't remember. 24 Q. Do you remember anything that was said</p> |

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|---|--|
| 1 during that drive? | 1 hospital? |
| 2 A. No. | 2 A. Yes. |
| 3 Q. I'm sorry if I asked this already. But you | 3 Q. Do you remember anything that they said to |
| 4 drove in the car with your parents now to the | 4 each other? |
| 5 hospital; is that right? | 5 A. No. |
| 6 A. Yes. | 6 Q. What's the next thing you remember? |
| 7 Q. And you said you don't remember anything at | 7 A. Being in the back of a police car. |
| 8 all that was said in that car; correct? | 8 Q. Do you know how you got to the back of the |
| 9 A. Correct. | 9 police car? |
| 10 Q. Are you aware of anything that would refresh | 10 A. No. |
| 11 your memory about that? | 11 Q. Do you remember anything about being in the |
| 12 A. No. | 12 back of the police car? |
| 13 Q. What's the very next thing you remember? | 13 A. I've been in the police car twice. The |
| 14 A. Being at the hospital. | 14 first time I was with my mother. |
| 15 Q. Okay. So you said you remember being at the | 15 Q. Okay. So that's the time when you were |
| 16 hospital. What is it that you specifically remember? | 16 leaving the hospital? |
| 17 A. I remember sitting down, a doctor giving me | 17 A. Don't know for sure. |
| 18 a coloring book to color in, and I remember seeing | 18 Q. Okay. So what was the second time you were |
| 19 both my mom and my dad crying real heavy. | 19 in the back of a police car? |
| 20 Q. Are you able to describe the room you were | 20 A. Just by myself. The police officer taking |
| 21 in? | 21 me to my grandma house. |
| 22 A. No. | 22 Q. Those are the only two memories you have of |
| 23 Q. Anyone else that was present in the room | 23 being in a police car ever; correct? |
| 24 besides the doctor or person that gave you the | 24 A. Yes, yes. |
| Page 102 | Page 104 |
| 1 coloring book and your parents? | 1 Q. Okay. So the memory you have being in the |
| 2 A. Yes. | 2 back of a police car with your mother, how long were |
| 3 Q. Who else was in the room? | 3 you in the police car for? |
| 4 A. I don't know him but I think -- I believe | 4 A. I don't remember. |
| 5 this was the lobby of the hospital. | 5 Q. Was anything said during that police -- the |
| 6 Q. Okay. So it would have been just random | 6 ride that you had in the police car with your mom? |
| 7 patients that were around? | 7 A. I don't remember. |
| 8 A. Yes. | 8 Q. Did you say anything to your mom? |
| 9 Q. And random medical personnel that would have | 9 A. I don't remember. |
| 10 been around? | 10 Q. Did she saying anything to you? |
| 11 A. Yes. | 11 A. I don't remember. |
| 12 Q. Do you know how long you were in the | 12 Q. Did the police officer say anything to |
| 13 hospital? | 13 either you or your mom? |
| 14 A. No. | 14 A. I don't remember. |
| 15 Q. Did you see your parents make any phone | 15 Q. And no one was in handcuffs; correct? |
| 16 calls? | 16 A. No. |
| 17 A. No. | 17 Q. Meaning I'm correct? |
| 18 Q. Did you see your parents speaking to the | 18 A. Yes. |
| 19 police at the hospital? | 19 Q. After being in that police car with your |
| 20 A. I don't remember. | 20 mom, what do you remember next? |
| 21 Q. Did you have any conversations with either | 21 A. I remember talking to a judge. |
| 22 of your parents at the hospital? | 22 Q. And what do you remember after talking to |
| 23 A. I don't remember. | 23 the judge? |
| 24 Q. Did your parents talk to each other at the | 24 A. The other police car taking me to my grandma |

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|--|--|
| <p>1 house.</p> <p>2 Q. Do you have any memory of going back to the</p> <p>3 hospital again?</p> <p>4 A. No.</p> <p>5 Q. Do you have any memory of being in the</p> <p>6 police station?</p> <p>7 A. No.</p> <p>8 Q. Do you have any memory of being in the</p> <p>9 police station together with your mom?</p> <p>10 A. No.</p> <p>11 Q. When you say you remember talking to a</p> <p>12 judge, what do you remember about that?</p> <p>13 A. Being in a courtroom, talking to a judge,</p> <p>14 and a lawyer asking me questions.</p> <p>15 Q. Did you like, walk up to a witness stand and</p> <p>16 give testimony?</p> <p>17 A. Yes, yes.</p> <p>18 Q. Do you remember, was that the same day as</p> <p>19 you went in the police car?</p> <p>20 A. I don't remember.</p> <p>21 Q. Was that the same month?</p> <p>22 A. I don't remember.</p> <p>23 Q. Was it the same year?</p> <p>24 A. Yes.</p> | <p>1 Q. Did your mom ever ask you, "Hey, did you see</p> <p>2 what happened to Jaquari?"</p> <p>3 MS. SUSLER: Just objection. Foundation. Are</p> <p>4 you talking about any time --</p> <p>5 MR. NATHAN: I'm talking about ever, any time.</p> <p>6 BY THE WITNESS:</p> <p>7 A. I don't remember.</p> <p>8 Q. Just so we're clear, you're not sure if</p> <p>9 there was ever any point in your whole life when your</p> <p>10 mom asked you, "Hey, Diante, did you see what happened</p> <p>11 to Jaquari?"</p> <p>12 A. Correct.</p> <p>13 Q. Did you ever have a conversation with her at</p> <p>14 any point in time where you told her that you saw what</p> <p>15 happened to Jaquari?</p> <p>16 A. I'm not sure, I could have.</p> <p>17 Q. You just don't know?</p> <p>18 A. Correct.</p> <p>19 Q. And when you're saying you could have,</p> <p>20 you're just saying, because you don't specifically --</p> <p>21 you're not specifically denying that; you're saying</p> <p>22 it's possible?</p> <p>23 A. Yes.</p> <p>24 Q. But you don't have any memory whatsoever of</p> |
| Page 106 | Page 108 |
| <p>1 Q. How did you get to the judge?</p> <p>2 A. I don't know.</p> <p>3 Q. You don't remember that?</p> <p>4 A. No.</p> <p>5 Q. During -- during that ride in the back of</p> <p>6 the police car with your mom, did she -- you said you</p> <p>7 don't remember anything that was said; right?</p> <p>8 A. Correct.</p> <p>9 Q. Did she ever say, "Hey, did you see what</p> <p>10 happened?"</p> <p>11 A. I don't remember.</p> <p>12 Q. Did you ever tell her what happened?</p> <p>13 A. I don't remember.</p> <p>14 Q. During the car ride together with your</p> <p>15 parents to the hospital, you also said you don't</p> <p>16 remember any conversations in that car; right?</p> <p>17 A. Correct.</p> <p>18 Q. Do you remember specifically anybody asking</p> <p>19 you, "Hey, did you see anything about what happened to</p> <p>20 Jaquari?"</p> <p>21 A. I don't remember.</p> <p>22 Q. Do you remember saying anything to them</p> <p>23 about that?</p> <p>24 A. I don't remember.</p> | <p>1 that?</p> <p>2 A. Correct.</p> <p>3 Q. And it's just as possible that you never had</p> <p>4 that type of conversation; correct?</p> <p>5 MS. SUSLER: Objection. Objection. Form and</p> <p>6 foundation and argumentative.</p> <p>7 BY THE WITNESS:</p> <p>8 A. Can you repeat that?</p> <p>9 Q. Sure. Isn't it true it's equally possible</p> <p>10 that you never had that conversation and that's why</p> <p>11 you don't remember?</p> <p>12 A. It could be, yes.</p> <p>13 Q. Now, currently you live at 6103 Ingleside</p> <p>14 with your mom; right?</p> <p>15 A. Correct.</p> <p>16 Q. And before that, you lived at Drexel with</p> <p>17 your mom -- an address on Drexel with your mom?</p> <p>18 A. Yes.</p> <p>19 Q. What was that address?</p> <p>20 A. I don't remember. I just know it was on</p> <p>21 51st and Drexel.</p> <p>22 Q. And both of those residences -- your current</p> <p>23 residence and your previous residence on Drexel -- are</p> <p>24 within the last two years; correct?</p> |

27 (Pages 105 to 108)

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|---|--|
| <p>1 A. Yes.</p> <p>2 Q. At some point between August of 2013 and</p> <p>3 June of 2014 when you were living at 5019 South Drexel</p> <p>4 with your mom, did you tell her specifically that you</p> <p>5 don't remember anymore what happened to Jaquari?</p> <p>6 A. I don't remember.</p> <p>7 Q. But you're not denying that you said that?</p> <p>8 A. No.</p> <p>9 Q. Meaning you agree with me?</p> <p>10 A. Yeah.</p> <p>11 MS. SUSLER: Objection, Form.</p> <p>12 I'm sorry. Would you mind reading back the</p> <p>13 last couple?</p> <p>14 (Record read as requested.)</p> <p>15 MS. SUSLER: Thank you.</p> <p>16 BY MR. NATHAN:</p> <p>17 Q. Now, you said you don't remember being in</p> <p>18 the police station with your mom; correct?</p> <p>19 A. Correct.</p> <p>20 Q. So is it -- let me rephrase that.</p> <p>21 Would it be accurate for me to also conclude</p> <p>22 that you don't remember any conversations that you had</p> <p>23 with your mom, if you had any conversations with your</p> <p>24 mom, in the police station?</p> | <p>1 [Yawn.] Because, uh, because it would be --</p> <p>2 it could be the policeman gave me a gum, a candy and</p> <p>3 didn't want it taken out of my mouth.</p> <p>4 Do you remember being given candy in the</p> <p>5 police station?</p> <p>6 A. No.</p> <p>7 Q. That's all.</p> <p>8 And that doesn't refresh your memory at all</p> <p>9 about being in the police station?</p> <p>10 A. No.</p> <p>11 Q. Do you remember ever talking to your mom</p> <p>12 while she was at Cook County Jail?</p> <p>13 A. Yes.</p> <p>14 Q. What do you remember about that?</p> <p>15 A. Wait. The jail or the prison?</p> <p>16 Q. The jail.</p> <p>17 A. No.</p> <p>18 Q. So the jail -- just so we're clear, is that</p> <p>19 by 26th and California, that area?</p> <p>20 A. No.</p> <p>21 Q. Do you know what I'm talking about when I</p> <p>22 refer to Cook County Jail now?</p> <p>23 A. Yes, I do.</p> <p>24 Q. So let me ask it again. Do you remember</p> |
| Page 110 | Page 112 |
| <p>1 A. Yes.</p> <p>2 Q. Excuse me. You said you remember being</p> <p>3 driven in a police car to your grandmother's house;</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. Do you remember anything about that ride?</p> <p>7 A. No.</p> <p>8 Q. Do you remember any conversations you had</p> <p>9 with the police officers, if you had any?</p> <p>10 A. No.</p> <p>11 Q. I'm just directing you back to Exhibit 123.</p> <p>12 If you would go to Page 54, almost at the end.</p> <p>13 Let's start from the beginning of the page.</p> <p>14 Dr. Galatzer-Levy asks: What office was that? Do you</p> <p>15 know?</p> <p>16 Answer: It was the police station.</p> <p>17 Inaudible.</p> <p>18 Dr. Levy: Oh, okay. And did you talk to</p> <p>19 someone there?</p> <p>20 Answer: Min-hmm. I was with my mommy.</p> <p>21 Question: You were with your mommy? And</p> <p>22 you have -- and have you talked to your mommy lately?</p> <p>23 Uh-uh.</p> <p>24 Dr. Levy: Okay. How come?</p> | <p>1 over talking to your mom while she was at Cook County</p> <p>2 Jail?</p> <p>3 A. No.</p> <p>4 Q. Do you remember ever talking to your mom on</p> <p>5 the phone before you talked to the judge?</p> <p>6 A. Yes.</p> <p>7 Q. What do you remember about that</p> <p>8 conversation?</p> <p>9 A. Nothing.</p> <p>10 Q. But you do remember talking to her on the</p> <p>11 phone before you talked to the judge at some point?</p> <p>12 A. Yes.</p> <p>13 Q. How many times did you talk to your mom</p> <p>14 before you talked to the judge?</p> <p>15 A. Once.</p> <p>16 Q. Where were you when you talked to your mom?</p> <p>17 A. I don't remember.</p> <p>18 Q. Was anyone else present while you were</p> <p>19 talking to your mom on the phone before you talked to</p> <p>20 the judge?</p> <p>21 A. I don't remember.</p> <p>22 Q. And you said you don't remember what the</p> <p>23 content of that conversation was?</p> <p>24 A. No.</p> |

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|--|---|
| 1 Q. Meaning I'm correct? | 1 A. No. |
| 2 A. Yes. | 2 Q. Have you seen her have any of those letters? |
| 3 Q. Did you either see or speak to your mom | 3 A. No. |
| 4 while she was in prison? | 4 Q. What did you send her when you sent her a |
| 5 A. Yes. | 5 drawing? |
| 6 Q. How often would you see and speak to her | 6 A. I don't remember. |
| 7 while she was in prison? | 7 Q. How would you describe your relationship |
| 8 A. At least twice a year. | 8 with your mom today? |
| 9 Q. At least twice a year you would see her in | 9 A. I'd say it's great now. |
| 10 person or is that combined with the in-person visits | 10 Q. And how was it before it was great? |
| 11 and telephone visits? | 11 A. What do you mean "before"? |
| 12 A. In person. | 12 Q. Well, it sounds -- from your answer it |
| 13 Q. Okay. So during the time that your mom was | 13 sounded like now is different than it used to be. I'm |
| 14 in prison, would you also speak to her on the phone? | 14 trying to understand the distinction. |
| 15 A. No. | 15 A. When she first got out, it was kind of -- |
| 16 Q. Was that a regular thing where you would see | 16 the relationship was -- it was good, but it was kind |
| 17 her twice a year, every year? | 17 of pressure on both of us because she had been in jail |
| 18 A. Yes. | 18 for eight years and just coming out. I think she was |
| 19 Q. During what time periods, if any? | 19 still had that mind-set that I was like five years |
| 20 A. Around Christmas and around my birthday. | 20 old. So it was like she didn't know how to deal with |
| 21 Q. Would you send her cards or write her | 21 a teenager. |
| 22 letters? | 22 And it was hard on me because when she got |
| 23 A. Yes. | 23 out in February, which was two months before -- two |
| 24 Q. How often would you do that? | 24 months after my grandma died. And while she was in |
| Page 114 | Page 116 |
| 1 A. Every once in a while. I would say every | 1 jail, I felt like my grandma was the mother while she |
| 2 year. | 2 was in jail. So when my grandma died, she came out, I |
| 3 Q. About once a year? | 3 kind of felt like she was a replacement for my |
| 4 A. Yes. | 4 grandma, but she wasn't. |
| 5 Q. Did that correspond with any type of | 5 So I guess that made the relationship at |
| 6 vacation? | 6 first kind of awkward and weird. But now as time |
| 7 A. Can you -- | 7 progressed, we've gotten better. |
| 8 Q. I'll try to rephrase it. Like -- let me | 8 Q. Okay. And how would you describe your mom? |
| 9 give you an example. Like, would you send her | 9 A. Intelligent, smart, caring, fun. That's |
| 10 something for her birthday every year or just any | 10 about it -- that comes to mind. |
| 11 other specific occasion that you would -- | 11 Q. She has a job now, right? |
| 12 A. Yes. I think it was around -- one time | 12 A. Yes. |
| 13 around Christmas or her birthday, I sent her a | 13 Q. What does she do? |
| 14 drawing. | 14 A. Therapy, counseling. |
| 15 Q. So I'm trying to get a sense of whether | 15 Q. She's also in school? |
| 16 there was any type of regular routine where you would | 16 A. Yes. |
| 17 send her written correspondence or drawings in any | 17 Q. She's balancing those things? |
| 18 kind of regular way. | 18 A. Yes. |
| 19 A. No. | 19 Q. Would you characterize her as strong? |
| 20 Q. Just whenever you chose to do it? | 20 A. Yes. |
| 21 A. Yes. | 21 Q. Why would you characterize her as strong? |
| 22 Q. And you think this was about once a year? | 22 A. Because even though being in jail for eight |
| 23 A. Yes. | 23 years she came out of jail, still got a job, still |
| 24 Q. Do you have any of those letters? | 24 doing what she wants to do, and still going to school. |

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| Page 117 | Page 119 |
|---|---|
| 1 Q. And she's somebody with conviction and | 1 A. Yes. |
| 2 strong will? | 2 Q. Did Ricardo ever tell you that he thinks |
| 3 A. Yes. | 3 that your mom killed Jaquari? |
| 4 Q. And independent? | 4 A. I don't remember. |
| 5 A. Yes. | 5 Q. How about Tiffany Stafford? |
| 6 Q. Do you remember any point in time where you | 6 A. I don't remember. |
| 7 were on the street with an ambulance? | 7 Q. What about Gracia? |
| 8 A. No. | 8 A. I don't remember. |
| 9 Q. While your mom was in prison you were raised | 9 Q. I'm handing you what's been previously |
| 10 by your father and your grandmother; right? | 10 marked as Exhibit 81. And I'm going to turn to Bates |
| 11 A. Yes. | 11 No. CITY DCF8052. |
| 12 Q. And who else lived at the house at 81st and | 12 Do you have your exhibits here? |
| 13 Sangamon? | 13 MS. SUSLER: I do not. |
| 14 A. Me, my grandma and my dad, my uncle, and two | 14 MR. NATHAN: Do you want to take a look at it |
| 15 of my cousins. | 15 first? |
| 16 Q. Who were your -- who was your uncle and your | 16 MS. SUSLER: Yes, I would appreciate that. Thank |
| 17 two cousins that lived there? | 17 you. |
| 18 A. My uncle Ricardo Upshaw (phonetic). My two | 18 Do you want me to show it to him? |
| 19 cousins, Tiffany Stafford and Gracia -- I can't -- I | 19 MR. NATHAN: Yes, please. Show it to him. |
| 20 forgot the last name. | 20 BY MR. NATHAN: |
| 21 Q. Gracia? | 21 Q. Exhibit 81, Page 52 is an Illinois |
| 22 A. Yes. Her nickname is Denise. | 22 Department of Children and Family Services contact |
| 23 Q. Denise? | 23 note by a woman named Karen Wilson, documenting her |
| 24 A. Yes. | 24 contact -- her meeting with your grandmother, Patricia |
| Page 118 | Page 120 |
| 1 Q. Is Gracia related to Ricardo? | 1 Dancy on June 6th, 2005 at 4:30 p.m. |
| 2 A. Yes. | 2 It says -- if you read the narrative section |
| 3 Q. Is that his daughter? | 3 there. |
| 4 A. No. | 4 A. You said what the time was? |
| 5 Q. How is she related to your dad and Ricardo? | 5 Q. So up on top there's a time of contact. |
| 6 A. That's their niece. | 6 A. Okay. |
| 7 Q. So Gracia is your cousin? | 7 Q. Do you see 4:30 p.m.? |
| 8 A. Yes. | 8 A. Yes, I see that. |
| 9 Q. Who is Gracia's mom and dad? | 9 Q. And then -- I think you were probably |
| 10 A. To my mom and my dad? | 10 looking at the "created on" date. That's a different |
| 11 Q. Who is Gracia's mom? | 11 time, but the time of contact is at 4:30 p.m. |
| 12 A. Shanice (phonetic) Stafford. I think her | 12 So if you see the narrative, it says: This |
| 13 first name is Washika (phonetic) or something. It's | 13 CFI met with the paternal grandmother, Patricia Dancy |
| 14 hard to pronounce. | 14 at her residence. She states that Diante is doing |
| 15 Q. Are Tiffany and Gracia brother and sister -- | 15 well. She states that Sta-von (father) has decided to |
| 16 I'm sorry. Sisters? | 16 no -- but it should be not -- allow Diante to have |
| 17 A. No. That is -- Denise is Tiffany's auntie | 17 contact with his maternal family members at this time |
| 18 -- I'm sorry. I'm sorry. Let me back it up. | 18 because they are coaching Diante to say that he saw |
| 19 I mean Shanice and Gracia are sisters. | 19 Jaquari strangle himself. |
| 20 That's a mistake. Shanice is the mother of Tiffany. | 20 Do you see that? |
| 21 And Shanice and Gracia's mother is my Auntie Pat. | 21 A. Yes. |
| 22 Q. But Tiffany and Gracia lived in the house | 22 Q. Do you remember your mom's family trying to |
| 23 there with you, with your dad, your grandmother, and | 23 get you to say that you saw Jaquari strangle himself? |
| 24 Ricardo? | 24 A. No. |

30 (Pages 117 to 120)

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| | |
|---|---|
| <p style="text-align: right;">Page 121</p> <p>1 Q. Do you remember either your grandmother or 2 your father telling you not to have contact with your 3 mom's family? 4 A. No. 5 Q. Was there a point in time in 2005 when you 6 no longer had contact with your mom's family? 7 A. Yes. 8 Q. Okay. And how did you know that you were no 9 longer having contact with them? 10 A. I just didn't see them. I didn't actually 11 notice until probably a couple years after, but that 12 year I just didn't see them. 13 Q. And when was it that you -- when was it that 14 you noticed that, you know, hey, something's 15 different, I haven't been seeing the family -- my 16 mom's family? 17 A. I can't really say. Probably a couple years 18 after when I start seeing them again. 19 Q. Okay. And how did you -- how did that 20 thought pop in your mind? 21 A. I remember -- I don't know who exactly, but 22 I remember somebody saying that when someone from my 23 mom family tried to come get me in -- somebody said 24 that no, they couldn't see me. I don't remember who</p> | <p style="text-align: right;">Page 123</p> <p>1 A. I don't remember. 2 Q. Do you have any memory of talking to a woman 3 named Alexandra Levy or Ali Levy? 4 A. At the hospital? 5 Q. Within a day or so of being at the hospital. 6 A. No, I don't remember. 7 Q. Just zero recollection; is that correct? 8 A. Yes. 9 Q. And you're not saying you didn't have that 10 conversation with her. You're just saying you have no 11 idea? 12 A. Yes. 13 Q. I'm asking about the same type of 14 conversation, but I'm just asking it in a different 15 way. 16 A. Okay. 17 Q. Do you remember talking with somebody, a 18 woman who interviewed you at the Chicago Children's 19 Advocacy Center, within a day of being at the 20 hospital? 21 A. No. 22 Q. Do you have any recollection of speaking 23 with someone at the Chicago Children's Advocacy 24 Center?</p> |
| <p style="text-align: right;">Page 122</p> <p>1 though. 2 Q. Okay. So a couple of years after 2005, 3 you're saying you started seeing them again? 4 A. Yes. 5 Q. And someone from your mom's family told you, 6 hey, about this event where they were kind of cut off? 7 A. Not from my mom -- I'm not sure who it was 8 from, my mom or my dad's side of the family. 9 Q. But someone told you that you had been cut 10 off from contacting that side of the family, your 11 mom's side; correct? 12 A. Yes. 13 Q. At that point in time did that start making 14 sense to you again? 15 A. Yes, but I didn't actually -- when they told 16 me, I didn't actually think it was for this reason. 17 Somebody just told me that my dad wouldn't let them 18 see me. I didn't know the reason why. 19 Q. Now as you sit back and think about it, 20 isn't it true you're not able to deny that they -- let 21 me back up. Just strike that. You can put that away. 22 Do you have a memory of being interviewed 23 by anyone that like -- the same day that you went to 24 the hospital?</p> | <p style="text-align: right;">Page 124</p> <p>1 A. Is that like the counseling place? 2 Q. Well, do you have a memory of speaking to 3 somebody at a counseling place? 4 A. Yes. 5 Q. What do you remember about that? 6 A. It was -- a tall woman with black hair. I 7 started going -- I remember from like young, around 8 third or second grade, I was going to her very often, 9 at least two or three times a week. And then she 10 would just give me toys to play with, gave me snacks, 11 candy and all of that. And either my dad or my 12 grandma -- mostly my grandma took me to go see her. 13 Q. Do you know what that counseling place was 14 called? 15 A. No. 16 Q. You said you would go and speak to this 17 person at the counseling place two or three times a 18 week? 19 A. Yes. 20 Q. For how many years? 21 A. I can't say exact but maybe four or five. 22 Q. Four or five years? 23 A. Yes. 24 Q. Was that Miss Mitchell who you would speak</p> |

31 (Pages 121 to 124)

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| Page 125 | Page 127 |
|---|--|
| <p>1 with?</p> <p>2 A. I don't know.</p> <p>3 Q. Do you know what part of the city you would</p> <p>4 go to this counseling place?</p> <p>5 A. No.</p> <p>6 Q. Did your dad ever take you there?</p> <p>7 A. Yes.</p> <p>8 Q. Did he take you there numerous times over</p> <p>9 the four to five years that you say you went there?</p> <p>10 A. No.</p> <p>11 Q. How many times did he take you?</p> <p>12 A. I remember one time.</p> <p>13 Q. Do you remember talking with someone named</p> <p>14 Miss Mitchell?</p> <p>15 A. I don't remember the name, but I remember</p> <p>16 talking to somebody.</p> <p>17 Q. And that's at the counseling place?</p> <p>18 A. Yes.</p> <p>19 Q. Did you ever talk to -- let me strike that.</p> <p>20 You described somebody who you talked to at</p> <p>21 this counseling place that was tall with black hair?</p> <p>22 A. Yes.</p> <p>23 Q. A female?</p> <p>24 A. Yes.</p> | <p>1 Q. Like a half an hour or something like that?</p> <p>2 A. Probably an hour and a half.</p> <p>3 Q. An hour and a half. And this was two or</p> <p>4 three times a week?</p> <p>5 A. Yes.</p> <p>6 Q. You said that the topic of Jaquari -- the</p> <p>7 day Jaquari died came up only on the last day that you</p> <p>8 met with this woman at the counseling place?</p> <p>9 A. Yes.</p> <p>10 Q. What actually came up during that time?</p> <p>11 A. The last day -- this is the one time I</p> <p>12 remember my dad coming with me, and he actually came</p> <p>13 in the counseling room with me. That's when I</p> <p>14 actually found out that my mom was actually in jail</p> <p>15 because I never actually knew where she was. And</p> <p>16 that's when we talked about where she was and why she</p> <p>17 was there, and that's when Jaquari's death came up.</p> <p>18 Q. Was your dad explaining that to you at that</p> <p>19 time?</p> <p>20 A. Yes, yes.</p> <p>21 Q. What did your dad say?</p> <p>22 A. I don't remember, but I remember the first</p> <p>23 thing he saying was my mom was in jail, and then from</p> <p>24 that conversation just went on.</p> |
| Page 126 | Page 128 |
| <p>1 Q. Do you know what ethnicity she was or can</p> <p>2 you describe anything about her appearance?</p> <p>3 A. No.</p> <p>4 Q. Did you meet with that same person, this</p> <p>5 tall female with black hair, for the entire time that</p> <p>6 you were at this counseling place?</p> <p>7 A. Yes.</p> <p>8 Q. Did you ever talk to her about the day</p> <p>9 Jaquari died?</p> <p>10 A. Not until my last day.</p> <p>11 Q. How old were you on the last day?</p> <p>12 A. I don't remember.</p> <p>13 Q. Were you like in seventh or eighth grade?</p> <p>14 A. No.</p> <p>15 Q. Younger or older?</p> <p>16 A. Younger.</p> <p>17 Q. What grade do you think you were in?</p> <p>18 A. Probably fourth.</p> <p>19 Q. So did you start going there in your first</p> <p>20 grade about?</p> <p>21 A. About, yes.</p> <p>22 Q. And how long would you meet with this woman</p> <p>23 at the counseling place every time you would go?</p> <p>24 A. I don't remember.</p> | <p>1 Q. Did he say why she was in jail?</p> <p>2 A. Yes.</p> <p>3 Q. What did he say about that?</p> <p>4 A. I can't remember exactly, his exact words,</p> <p>5 but he's telling me that she's in jail for the</p> <p>6 incident that happened with Jaquari.</p> <p>7 Q. And did he describe the incident?</p> <p>8 A. No.</p> <p>9 Q. Did you describe the incident at that time?</p> <p>10 A. I don't remember.</p> <p>11 Q. Do you remember anything that you said when</p> <p>12 you found out that she was in jail for killing</p> <p>13 Jaquari?</p> <p>14 A. No.</p> <p>15 Q. You didn't say anything?</p> <p>16 A. I don't remember.</p> <p>17 Q. Did you tell your dad at that time, "Stop, I</p> <p>18 saw what happened"?</p> <p>19 A. I don't remember.</p> <p>20 Q. Is that because you didn't see what happened</p> <p>21 to Jaquari?</p> <p>22 A. No, I just don't remember.</p> <p>23 Q. Did this -- did this woman at the counseling</p> <p>24 place tell you anything about what happened to your</p> |

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|--|---|
| 1 mom? | 1 of the first grade, and then I moved to Cuffee, |
| 2 A. No. | 2 Q. How do you spell Cuffee? |
| 3 Q. She just sat there? | 3 A. C-U-F-F-E-E [sic]. |
| 4 A. Yes. | 4 Q. How long were you in Cuffee? |
| 5 Q. Do you remember anything else about that | 5 A. All the way up to eighth grade. |
| 6 conversation that you had with your dad and the | 6 Q. Is that a private or public school? |
| 7 counselor that you haven't already told me? | 7 A. Public. |
| 8 A. No. | 8 Q. Where is it located? |
| 9 MS. SUSLER: Would you mind if we take a short | 9 A. 83rd and Racine. |
| 10 break? | 10 Q. Once you left Ryder -- |
| 11 MR. NATHAN: Sure. | 11 A. Yes. |
| 12 MS. SUSLER: Thank you. | 12 Q. -- did you have problems in school? |
| 13 THE VIDEOGRAPHER: We are now going off the | 13 A. No. |
| 14 record at 1:55 p.m. | 14 Q. And did you go to the counselor while you |
| 15 (A short break was had.) | 15 were still at Ryder? |
| 16 THE VIDEOGRAPHER: The time is 2:03 p.m. We are | 16 A. Yes. |
| 17 now back on the record. | 17 Q. Earlier you said you would rarely speak to |
| 18 BY MR. NATHAN: | 18 the counselor about your mother or Jaquari? |
| 19 Q. We took a break; right? | 19 A. Yes. |
| 20 A. Yes. | 20 Q. What did you mean by that? |
| 21 Q. And did you have a chance to talk with your | 21 A. I don't want to say for sure but -- it had |
| 22 lawyer? | 22 been times when the counselor did bring up Jaquari or |
| 23 A. Yes. | 23 my mother about how I feel about them, but I just |
| 24 Q. Before we took the break, we were talking | 24 can't remember exactly what she said. |
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| 1 about the counseling you had when you were between | 1 Q. Do you remember anything about what you |
| 2 first and fourth grade about? | 2 said? |
| 3 A. Yes. | 3 A. No. |
| 4 Q. Do you know why you were sent to the | 4 Q. Do you remember any specific questions she |
| 5 counselor? | 5 asked you about that? |
| 6 A. No. | 6 A. No. |
| 7 Q. What did you talk about over all these | 7 Q. You said that you only learned that your mom |
| 8 years? | 8 was in jail at the end of the period where you were at |
| 9 A. I don't remember much, but I know a lot of | 9 the counselor? |
| 10 times when I went, the counselor would always ask me | 10 A. Yes. |
| 11 about how I'm doing, how I feel, and rarely did a | 11 Q. But what did you think about where she was |
| 12 conversation come up with Jaquari or my mother's name | 12 before you learned definitively that she was in jail |
| 13 Q. But it did come up sometimes? | 13 or prison? |
| 14 A. Not that I remember. | 14 A. I always thought that she just moved |
| 15 Q. Were you having problems at school before | 15 somewhere. I didn't know where because the one photo |
| 16 you went to the counselor? | 16 call we talked about earlier, I didn't know she was in |
| 17 A. I believe, yes. I went to a school, Paul | 17 jail then, and then she went to prison. I didn't know |
| 18 Cuffee in first grade. But before that, I went to | 18 that until my dad told me on the last counseling date. |
| 19 another school. I think it was Ryder. And I think | 19 Q. Okay. And before that last counseling day, |
| 20 one of the teachers, I did not like, and I kind of | 20 is it fair to assume that you had never visited her in |
| 21 felt like I was being bullied a little bit. | 21 jail? |
| 22 Q. You were at Ryder while you were living at | 22 A. Yes. |
| 23 your grandmother's? | 23 Q. But you were talking to her on the phone |
| 24 A. Yes. I was at Ryder for probably one-fourth | 24 even before you learned that she was in prison? |

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|--|--|
| <p>1 A. No. I remember writing letters. I don't 2 remember much phone conversation at all. 3 Q. During that time period? 4 A. Yes. 5 Q. Did you ask your dad, "Where's mom?" 6 A. I believe so, but I don't remember. 7 Q. And what did he say? 8 A. At the time -- before the counseling? 9 Q. Before that last meeting you had with the 10 counselor, 11 A. I don't think he ever told me. 12 Q. Just didn't answer you. 13 A. I think so, yes. 14 Q. Since you had that conversation with your 15 dad and left the counselor that you were with from 16 first through around fourth grade, did you see any 17 other counselors? 18 A. No. 19 Q. Are you doing well in school now? 20 A. Yes. 21 Q. As and Bs? 22 A. Yes. 23 Q. Have you been an A and B student for quite 24 some time now?</p> | <p>1 Q. Sure. Is it fair to say you also do not 2 remember telling -- if you told All-Levy that you saw 3 your mom spanking Jaquari with a belt? 4 A. Yes. 5 MS. SUSLER: I'm sorry. I'm just not clear how 6 that came out. For the transcript purposes, would you 7 mind reading that? 8 (Record read as requested.) 9 MS. SUSLER: Thank you. 10 BY MR. NATHAN: 11 Q. But you have no reason to doubt that you 12 said that; correct? 13 A. Correct. 14 Q. And you actually remember being struck with 15 a belt; correct? 16 A. Yes. 17 Q. And you have no reason to dispute that you 18 told Alexandra Levy at the Chicago Children's Advocacy 19 Center that your mom whooped Jaquari; correct? 20 A. Yes. 21 Q. And that was a word that you would use? 22 A. Yes. 23 Q. Did your mom ever pinch you guys? 24 A. What do you mean by "pinch"?</p> |
| Page 134 | Page 136 |
| <p>1 A. Yes. Freshman year through junior year. 2 Q. Congratulations. 3 A. Thank you. 4 Q. So you said that you have no memory of 5 talking with any kind of counselor or woman within, 6 you know, a day or two of when you went to the 7 hospital with your mom and dad; right? 8 A. Yes. 9 Q. And I asked you specifically if you 10 remembered being interviewed by a woman named All of 11 Alexandra Levy at the Chicago Children's Advocacy 12 Center; correct? 13 A. Yes. 14 Q. And you said you don't remember? 15 A. Right. 16 Q. Just one second. Let me just ask you some 17 specific questions about your memory about whether you 18 talked to Alexandra Levy at the Chicago Children's 19 Advocacy Center. 20 Since you don't remember that interview at 21 all, isn't it true -- or is it fair to say that you 22 don't remember if you told her that you remember your 23 mom spanking Jaquari with the belt? 24 A. Can you repeat that?</p> | <p>1 Q. Well, let me back up. What type of 2 discipline would your mom use? 3 A. Either -- if we was to get like in really 4 trouble, she'd hit us with the belt. Or if it was 5 just something real small, she would put us in a 6 corner and make us stand there for a while until we 7 learned our lesson. 8 Q. Would she ever pinch you guys? 9 A. Probably. I don't remember. 10 Q. Would she ever punch you guys? 11 A. Not that I know of. 12 Q. Is that something your dad would do? 13 A. Yes. My dad probably; not my mom. 14 Q. So you're not disputing that your mom could 15 have punched you; you're just saying you don't 16 remember? 17 A. Yes. 18 MS. SUSLER: I object to that last question, even 19 though he's already answered it. I think that's 20 argumentative, and form. 21 BY MR. NATHAN: 22 Q. You said that when you'd really get in 23 trouble you would get hit with a belt; right? 24 A. Yes.</p> |

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|--|---|
| 1 Q. What's something that would make you get | 1 your mind very much? |
| 2 really in trouble? | 2 A. Yes. |
| 3 A. I don't exactly remember, but I would say | 3 Q. Did you have any close friends in |
| 4 like when we went outside, when we wasn't supposed to, | 4 Edwardsville? |
| 5 And one time when -- when we were at Edwardsville, we | 5 A. Up to now or just -- |
| 6 was told to stay in the apartment and play the game, | 6 Q. Back when you lived there. |
| 7 But instead, we went out of the apartment down the | 7 A. Yes. |
| 8 hall to a neighbor to play their game, and when we | 8 Q. Okay. And did you -- do you remember their |
| 9 came back, we got in trouble for that. | 9 names? |
| 10 Q. Now, was it -- was it unusual for you guys | 10 A. No. |
| 11 to kind of stay home alone for a period of time? | 11 Q. How about now? Are you still friends with |
| 12 A. No. | 12 any people that you knew from Edwardsville? |
| 13 Q. That was no big deal? | 13 A. No. |
| 14 A. No. | 14 Q. Do you remember Dinajia Arnold as one of the |
| 15 Q. Am I correct about that? | 15 kids from upstairs at 2004 North Laporte? |
| 16 A. Yes. | 16 A. No. |
| 17 Q. All right. Now, going back to the incident | 17 Q. Do you remember one of the girls that you |
| 18 in Edwardsville, you're saying you went to a neighbor | 18 were playing with in the back was around eight years |
| 19 when you weren't supposed to? | 19 old at the time? |
| 20 A. Yes. | 20 A. It could have been. I don't remember. |
| 21 Q. And was that a neighbor down the hall or | 21 Q. Do you remember telling Alexandra Levy at |
| 22 something like that? | 22 the Chicago Children's Advocacy Center on May 15th, |
| 23 A. Yes, | 23 2005, that your mom got closer to Jaquari and was |
| 24 Q. In the same apartment building? | 24 telling him something in his ear? |
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| 1 A. Yes. | 1 A. No. |
| 2 Q. And you got hit with a belt? | 2 Q. Do you remember telling her at that time |
| 3 A. Yes. | 3 that Jaquari was throwing up? |
| 4 Q. Where did you get hit with the belt? | 4 A. No. |
| 5 A. I don't remember. | 5 Q. Do you have any reason to dispute that you |
| 6 Q. But your mom hit you with the belt at that | 6 told her that? |
| 7 time? | 7 A. No. |
| 8 A. Yes. | 8 Q. Because you don't remember the conversation |
| 9 Q. And that was a normal form of discipline for | 9 at all; correct? |
| 10 her; correct? | 10 A. Yes. |
| 11 A. Yes. | 11 Q. Do you remember being asked the question at |
| 12 Q. Do you remember any other specific instances | 12 the Chicago Children's Advocacy Center on May 15th, |
| 13 where she hit you with a belt? | 13 2005; Did a grownup help Jaquari put a sheet around |
| 14 A. No. | 14 his neck? |
| 15 Q. Is that because it's not so unusual that it | 15 A. You said do I remember? |
| 16 would stick out in your mind? | 16 Q. Yeah. |
| 17 MS. SUSLER: Objection. Form. | 17 A. No. |
| 18 BY THE WITNESS: | 18 Q. You have no reason to dispute that you were |
| 19 A. Can you explain that? | 19 asked that question, though; correct? |
| 20 Q. Sure. Is that -- is the reason you're not | 20 A. No. |
| 21 thinking of any other specific examples because it | 21 Q. Meaning I'm correct? |
| 22 would happen often enough that you don't really -- | 22 A. Yes. |
| 23 A. Get in trouble like that? | 23 Q. And do you remember giving the answer that |
| 24 Q. -- get in trouble? It's not sticking out in | 24 you were sleeping when Jaquari died? |

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|---|---|
| <p>1 A. No.</p> <p>2 Q. But you don't have any reason to dispute</p> <p>3 that you said that; correct?</p> <p>4 MS. SUSLER: Well, there's two different things.</p> <p>5 You're reading from a report. I object to the form.</p> <p>6 MR. NATHAN: Okay. I'm just -- Hold on, Hold</p> <p>7 on. Stop. Stop. Stop for one second.</p> <p>8 MS. SUSLER: You're asking if he saw the report.</p> <p>9 You can ask him if he saw the report.</p> <p>10 MR. NATHAN: Stop for a second.</p> <p>11 MR. HALE: Let her finish.</p> <p>12 MS. SUSLER: If you're asking him if the report</p> <p>13 is accurate, that's a different story. Now, I don't</p> <p>14 know if you're trying to trick him or what, but I</p> <p>15 object strongly.</p> <p>16 MR. NATHAN: Okay. I didn't mean to speak over</p> <p>17 you, so I apologize for that.</p> <p>18 What I was trying to say was, please don't</p> <p>19 make a speaking objection.</p> <p>20 Can you please read back my question?</p> <p>21 (Record read as requested.)</p> <p>22 BY MR. NATHAN:</p> <p>23 Q. Can you answer the question?</p> <p>24 A. Yes.</p> | <p>1 Q. Is this the burn (indicating) or is this</p> <p>2 whole thing the burn (indicating); this entire piece?</p> <p>3 A. The whole entire piece.</p> <p>4 Q. Okay. And this is a standard 16.9 fluid</p> <p>5 ounce bottle (indicating). I'm just saying -- like</p> <p>6 where is the beginning and end of the burn?</p> <p>7 A. The beginning is right here (indicating).</p> <p>8 Q. So from the top of the label?</p> <p>9 A. Yes, to right here (indicating).</p> <p>10 Q. Until almost the end of the bottle?</p> <p>11 A. Yes.</p> <p>12 Q. How did you get that burn?</p> <p>13 A. My dad told me that when I was around two or</p> <p>14 three, that he was ironing clothes -- and I would</p> <p>15 always follow him around, and he didn't want me to</p> <p>16 follow him around because he was ironing clothes, and</p> <p>17 the iron was hot. So he put the iron in the corner</p> <p>18 where I couldn't get to it because he had to do</p> <p>19 something, but I crawled all way up to the corner and</p> <p>20 pulled the iron down.</p> <p>21 Q. Do you remember that incident at all?</p> <p>22 A. No.</p> <p>23 Q. Do you remember any times when either of</p> <p>24 your parents abused you?</p> |
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| <p>1 MS. SUSLER: Same objections.</p> <p>2 BY MR. NATHAN:</p> <p>3 Q. Do you remember speaking to a woman at your</p> <p>4 grandmother's house within a couple of days of when</p> <p>5 you were at the hospital with your parents?</p> <p>6 A. No.</p> <p>7 Q. No recollection of if at all?</p> <p>8 A. No.</p> <p>9 Q. Meaning correct?</p> <p>10 A. Yes.</p> <p>11 Q. I'm going to ask you about that in a second.</p> <p>12 Do you have a burn on your arm?</p> <p>13 A. Yes.</p> <p>14 Q. A scar?</p> <p>15 A. Yes.</p> <p>16 Q. Can I see that, please?</p> <p>17 A. (Complying.)</p> <p>18 Q. Are you able to roll up your sleeve a little</p> <p>19 bit more because it's hard to see the whole thing.</p> <p>20 Try to show the entire scar. Where is it?</p> <p>21 A. Right here (indicating).</p> <p>22 MR. NATHAN: Okay. Is the camera able to zoom in</p> <p>23 on that?</p> <p>24 BY MR. NATHAN:</p> | <p>1 A. No.</p> <p>2 Q. Did you ever see Jaquari with a bubble?</p> <p>3 A. Not that I remember.</p> <p>4 Q. Do you know what that even means, "with a</p> <p>5 bubble"?</p> <p>6 A. No.</p> <p>7 Q. Have you heard that term before?</p> <p>8 A. Yes.</p> <p>9 Q. And where have you heard that term?</p> <p>10 A. With Jaquari or any other time?</p> <p>11 Q. Have you ever heard that term referenced</p> <p>12 together with Jaquari?</p> <p>13 A. Yes.</p> <p>14 Q. Where?</p> <p>15 A. I seen the video, I mentioned earlier, and</p> <p>16 that's it.</p> <p>17 Q. Okay. But you said you don't remember</p> <p>18 seeing a bubble with Jaquari?</p> <p>19 A. No.</p> <p>20 Q. Meaning I'm correct?</p> <p>21 A. Yes, yes.</p> <p>22 Q. You said you don't remember speaking with a</p> <p>23 woman at your grandmother's house within a couple of</p> <p>24 days of when you were at the hospital with your</p> |

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|--|---|
| 1 parents; right? | 1 Q. You're not saying you weren't; you're just |
| 2 A. Yes. | 2 saying you don't remember? |
| 3 Q. Do you remember speaking with the woman | 3 A. Correct. |
| 4 about the events that happened to Jaquari ever, | 4 Q. Have you ever had any conversations with |
| 5 besides for what you've already talked to us about at | 5 your mom about what happened to Jaquari or your memory |
| 6 this deposition? | 6 about what happened to Jaquari, that you haven't |
| 7 MS. SUSLER: Objection. Form. | 7 already told us? |
| 8 BY THE WITNESS: | 8 A. No. |
| 9 A. No. | 9 Q. So we talked about your residences at |
| 10 Q. And since you don't remember the interview, | 10 Ingleside and at Drexel together with your mom, |
| 11 do you have any basis to dispute the testimony or | 11 Before that, where did you live? |
| 12 records of a woman named Karen Wilson who says she | 12 A. 85th and Sangamon. |
| 13 interviewed you on May 16th of 2005, at your | 13 Q. And did you live there the entire time until |
| 14 grandmother's house? | 14 life, going backwards -- until -- that's a poor |
| 15 A. No. | 15 question. |
| 16 MS. SUSLER: Objection. Form. | 16 Did you live at 85th and Sangamon the entire |
| 17 BY MR. NATHAN: | 17 time? From the time that you were under the custody |
| 18 Q. Okay. So if she says you told her | 18 of your dad and your grandmother at 85th and Sangamon, |
| 19 something, you're not denying that you said that? | 19 until the time that you moved in with your mom at |
| 20 MS. SUSLER: Objection. Form. | 20 Drexel? |
| 21 BY THE WITNESS: | 21 A. I stayed up at Sangamon, too. When I was -- |
| 22 A. No. | 22 when my mom was at Drexel, I was actually back and |
| 23 Q. Meaning I'm correct? | 23 forth. |
| 24 A. Yes. | 24 Q. I'm sorry. I missed that last -- |
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| 1 Q. Because you would have no basis to deny it | 1 A. When I was -- when my mom had the apartment |
| 2 because you don't remember? | 2 at Drexel, I was actually back and forth. So I was |
| 3 A. Right. | 3 there for a long period of time and then back at |
| 4 Q. Did you ever have some kind of foreign body | 4 Sangamon. I didn't really move from Sangamon until |
| 5 in your ear? Did you have to have something removed | 5 last year. |
| 6 from your ear? | 6 Q. Okay. Do you have any other memories from |
| 7 A. Not that I remember. I remember going to | 7 your time at 2004 North Laporte, other than that one |
| 8 the doctor, something about my ear, but I'm not sure | 8 day? |
| 9 what it was. | 9 MS. SUSLER: Well, objection. You're |
| 10 Q. Okay. What -- when do you remember going to | 10 mischaracterizing his testimony. |
| 11 the doctor for your ear? | 11 MR. NATHAN: I don't want to. If I did, it was |
| 12 A. I remember I was very young. I remember | 12 an accident. |
| 13 that I was probably around -- I don't know -- six. | 13 BY MR. NATHAN: |
| 14 Q. This is while you were living at your | 14 Q. I don't think we talked about anything else |
| 15 grandmother's already? | 15 at 2004 North Laporte except for that one day, did we? |
| 16 A. Yes. | 16 MS. SUSLER: Objection. You're mischaracterizing |
| 17 Q. Do you remember getting evaluated by any | 17 his testimony. |
| 18 doctors that day or the night that you went to the | 18 BY MR. NATHAN: |
| 19 hospital with your parents? | 19 Q. Correct me if I'm wrong. |
| 20 A. No. | 20 A. No, I don't remember. |
| 21 Q. How about the following day, after you left | 21 Q. Okay. Do you have any memories at 2004 |
| 22 the hospital with your parents? Do you remember being | 22 North Laporte except for that one day -- well, you |
| 23 evaluated by any kind of medical personnel? | 23 know what? I think I agree with your attorney here. |
| 24 A. No. | 24 Because you said you weren't sure if some of your |

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| <p>1 memories were the same day or not. But I didn't mean</p> <p>2 to misconstrue that, if that's what she's talking</p> <p>3 about.</p> <p>4 MS. SUSLER: Thank you.</p> <p>5 BY MR. NATHAN:</p> <p>6 Q. Do you have any memories of 2004 North</p> <p>7 Laporte, other than what you've already described</p> <p>8 today?</p> <p>9 A. One memory -- about the hospital? I</p> <p>10 remember -- I don't remember from who, but I remember</p> <p>11 hearing that at first my mom and dad couldn't find the</p> <p>12 hospital because we had just moved there. So they was</p> <p>13 rushing to take the car to the hospital. They</p> <p>14 couldn't find which hospital to take him to, and</p> <p>15 that's the only one.</p> <p>16 Q. Now, that's not an actual memory. That's</p> <p>17 just something you heard about?</p> <p>18 A. Yes. Around that time, though. Around the</p> <p>19 time when the incident happened, that's when I heard</p> <p>20 it.</p> <p>21 Q. Okay. So back when you were five or six?</p> <p>22 A. Yes.</p> <p>23 Q. Was there anything else that you heard about</p> <p>24 when you were five or six that you didn't actually</p> | <p>1 Q. When was that?</p> <p>2 A. When it was too hot outside my nose would</p> <p>3 just get to bleeding.</p> <p>4 Q. And how old were you when that happened?</p> <p>5 A. Four or five.</p> <p>6 Q. When you say your nose would "get to</p> <p>7 bleeding," what do you mean by that?</p> <p>8 A. Like I would just be in the sun probably --</p> <p>9 probably in the sun too long and blood would just</p> <p>10 start coming down my nose.</p> <p>11 Q. Do you still have that problem?</p> <p>12 A. No.</p> <p>13 Q. Did you ever get treated for that?</p> <p>14 A. I don't remember.</p> <p>15 Q. How long did you have that problem for?</p> <p>16 A. Not very long. I'm not sure, but probably a</p> <p>17 year or two.</p> <p>18 Q. Did you have that problem when you were at</p> <p>19 your grandmother's house?</p> <p>20 A. No.</p> <p>21 Q. Where were you living when you had that</p> <p>22 problem?</p> <p>23 A. Mostly Edwardsville, that I remember.</p> <p>24 Q. Do you ever remember having this type of</p> |
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| <p>1 see?</p> <p>2 A. No.</p> <p>3 Q. Did you see Jaquari throwing up on the day</p> <p>4 that he died?</p> <p>5 A. No.</p> <p>6 Q. Did you see him throwing up at any point in</p> <p>7 time within, you know, anywhere near the day that he</p> <p>8 died?</p> <p>9 A. No.</p> <p>10 Q. Do you know if Jaquari had any kind of</p> <p>11 nosebleed problem?</p> <p>12 A. Not that I know of.</p> <p>13 Q. I mean, could you remember him having blood</p> <p>14 on his sheets?</p> <p>15 A. No.</p> <p>16 Q. Would that be -- surprise you if he had</p> <p>17 blood on his sheets?</p> <p>18 A. Yes.</p> <p>19 Q. And why's that?</p> <p>20 A. Because it's something that I just don't</p> <p>21 remember.</p> <p>22 Q. Did you have any problem with nosebleeds</p> <p>23 growing up?</p> <p>24 A. Yes.</p> | <p>1 spontaneous bleeding caused by the sun when you were</p> <p>2 living at 2004 North Laporte?</p> <p>3 A. Not that I remember.</p> <p>4 MR. NATHAN: Let's take a break.</p> <p>5 THE VIDEOGRAPHER: We are now going off the</p> <p>6 record at 2:34 p.m.</p> <p>7 (A short break was had.)</p> <p>8 THE VIDEOGRAPHER: The time is 2:43 p.m. We are</p> <p>9 now back on the record.</p> <p>10 BY MR. NATHAN:</p> <p>11 Q. We took a break; right?</p> <p>12 A. Yes.</p> <p>13 Q. And you had a chance to meet with your</p> <p>14 lawyer?</p> <p>15 A. Yes.</p> <p>16 Q. Are you graduating this year or the</p> <p>17 following year?</p> <p>18 A. The following year.</p> <p>19 Q. Okay. And you said you're getting A's and</p> <p>20 B's?</p> <p>21 A. Yes.</p> <p>22 Q. Do you have -- have you already begun plans</p> <p>23 to attend college?</p> <p>24 A. Yes.</p> |

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|---|---|
| <p>1 Q. What are your plans?</p> <p>2 A. Not sure which college yet, but I know I</p> <p>3 want to go to college for engineering, mechanical</p> <p>4 engineering.</p> <p>5 Q. How did you develop an interest in that?</p> <p>6 A. One, I just like cars. Two, I like to</p> <p>7 always try to build things. I have always tried to</p> <p>8 build things on my own. Three, it was this robotics</p> <p>9 club I went to at my school. I made an elevator. And</p> <p>10 then I had a somewhat lifetime opportunity to go to</p> <p>11 Milwaukee School of Engineering, and I loved it. So I</p> <p>12 want to do mechanical engineering.</p> <p>13 Q. Is your dad pretty handy?</p> <p>14 A. Yes.</p> <p>15 Q. Very handy?</p> <p>16 A. Yes, especially with computers.</p> <p>17 Q. Really?</p> <p>18 A. Yes.</p> <p>19 Q. Does your dad -- is he a writer?</p> <p>20 A. Not that I know of. I heard -- I seen a</p> <p>21 poem or two that he wrote, but as far as</p> <p>22 writing-writing, I never seen it.</p> <p>23 Q. Do you keep a diary?</p> <p>24 A. Kind of used to, yes.</p> | <p>1 bed when you were in Edwardsville?</p> <p>2 MS. SUSLER: Objection. Form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. Yes.</p> <p>5 Q. Do you remember that incident?</p> <p>6 A. Edwardsville? Yes. It wasn't a bunk bed,</p> <p>7 but one bed, yes.</p> <p>8 Q. What happened there?</p> <p>9 A. We had one bed because our apartment was</p> <p>10 small -- for my mom to go to college. Me and Jaquari</p> <p>11 always shared a bed. We would be on one end, and I</p> <p>12 think it was one day either I just must have fell off</p> <p>13 or he accidentally pushed me off.</p> <p>14 Q. Okay. Did you hurt yourself in that</p> <p>15 incident?</p> <p>16 A. Yes.</p> <p>17 Q. What happened to you?</p> <p>18 A. It wasn't -- in my mind it wasn't big, but I</p> <p>19 remember hitting my head.</p> <p>20 Q. Did your mom get angry at Jaquari for that?</p> <p>21 A. I don't know.</p> <p>22 Q. Do you remember your dad and your mom</p> <p>23 fighting with each other in Edwardsville?</p> <p>24 A. Yes.</p> |
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| <p>1 Q. When did you keep a diary?</p> <p>2 A. Around when I was young -- around the same</p> <p>3 time I was going to counseling just -- not really</p> <p>4 about what was going on but just random stuff that</p> <p>5 just keep me happy in my mind.</p> <p>6 Q. Okay. Do you still have those diaries?</p> <p>7 A. No.</p> <p>8 Q. What did you do with them?</p> <p>9 A. I think I lost them.</p> <p>10 Q. When did you lose them?</p> <p>11 A. Around sixth grade.</p> <p>12 Q. Now, you testified -- well, let me rephrase</p> <p>13 that.</p> <p>14 Do you remember the reference when we were</p> <p>15 looking at your transcript from your discussion with</p> <p>16 Ali -- sorry. Your discussion with Dr. Galatzer-Levy?</p> <p>17 MS. SUSLER: Objection. Form.</p> <p>18 BY MR. NATHAN:</p> <p>19 Q. I lost my train of thought, so let me</p> <p>20 rephrase the question.</p> <p>21 A. Okay.</p> <p>22 Q. Do you remember looking at the transcript</p> <p>23 from your discussion with Dr. Galatzer-Levy and he --</p> <p>24 and you mentioned the topic of falling off of a bunk</p> | <p>1 Q. What do you remember about that?</p> <p>2 A. It was one day they got into a big argument</p> <p>3 -- I don't know over what -- and I only know that one</p> <p>4 of them called the police or the neighbors called the</p> <p>5 police because they was loud. But I remember the</p> <p>6 police just come in and calming everyone else down.</p> <p>7 Q. Did someone get arrested?</p> <p>8 A. I don't know.</p> <p>9 Q. Was that the only time that they would</p> <p>10 fight?</p> <p>11 A. That I remember.</p> <p>12 Q. You remember the incident with the police</p> <p>13 coming at the house?</p> <p>14 A. Yes.</p> <p>15 Q. Had you ever noticed the elastic from that</p> <p>16 blue sheet hanging before that one day that you</p> <p>17 described earlier?</p> <p>18 MS. SUSLER: Objection. Form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. I don't remember.</p> <p>21 Q. I think earlier you mentioned that you have</p> <p>22 a recollection of hearing that sheet rip; correct?</p> <p>23 A. Yes.</p> <p>24 Q. Was that the first time that it ever ripped</p> |

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|--|--|
| <p>1 out of the sheet?</p> <p>2 A. I don't think so, no.</p> <p>3 Q. Why don't you think so?</p> <p>4 A. Okay. My memory is starting to come back.</p> <p>5 I have noticed it before like as time -- when I first</p> <p>6 noticed it as time moved on, it kept getting bigger</p> <p>7 like somebody been pulling it. I don't remember who</p> <p>8 was pulling it. It was probably both of us.</p> <p>9 Q. But you don't remember any specific</p> <p>10 incidences of pulling it?</p> <p>11 A. No.</p> <p>12 Q. So you're just kind of speculating that</p> <p>13 someone must have pulled it?</p> <p>14 A. Yes.</p> <p>15 Q. Do you remember anything else about how that</p> <p>16 sheet -- the elastic started hanging out?</p> <p>17 A. No.</p> <p>18 Q. Do you have any other memory about that</p> <p>19 elastic band that you haven't already told me?</p> <p>20 A. No.</p> <p>21 Q. Would Jaquari get in trouble more than you?</p> <p>22 A. Not that I know of.</p> <p>23 Q. What's the most trouble that Jaquari ever</p> <p>24 got in?</p> | <p>1 Q. Remember, you described this meeting that</p> <p>2 you had with an Attorney Ali, and the person we</p> <p>3 identified in the photograph?</p> <p>4 A. Yes.</p> <p>5 Q. And what year was that?</p> <p>6 A. I don't remember. They came multiple times</p> <p>7 throughout the eight years that she was in prison.</p> <p>8 Q. Okay. More than one attorney showed up</p> <p>9 together with Ali?</p> <p>10 A. Yes. It was -- first it was -- it was</p> <p>11 always Ali, and as time came out, she would always</p> <p>12 come with different lawyers with her.</p> <p>13 Q. Did you meet with her in 2012 or 2013?</p> <p>14 A. Yes.</p> <p>15 Q. What do you remember about that?</p> <p>16 A. I believe 2012 was the year when she showed</p> <p>17 me the video because I remember my grandma was still</p> <p>18 alive.</p> <p>19 Q. Okay. And that was at your grandmother's</p> <p>20 house?</p> <p>21 A. Yes.</p> <p>22 Q. Was that on someone's laptop?</p> <p>23 A. No, they had a CD.</p> <p>24 Q. Okay. They put it into a DVD player at your</p> |
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| <p>1 A. I don't remember.</p> <p>2 Q. Do you remember any other times when Jaquari</p> <p>3 got in trouble besides for what you talked about, how</p> <p>4 he got in trouble getting hit with the belt the day</p> <p>5 that he -- the day that he died, and the time when you</p> <p>6 remember getting spanked in Edwardsville?</p> <p>7 MS. SUSLER: Objection. Form. You're misstating</p> <p>8 his testimony.</p> <p>9 MR. NATHAN: I don't think I am.</p> <p>10 BY THE WITNESS:</p> <p>11 A. No, I don't remember.</p> <p>12 Q. Why are you living with your mom now?</p> <p>13 A. Because my dad and my uncle lost the house</p> <p>14 on 85th and Sangamon.</p> <p>15 Q. If they didn't lose the house, would you</p> <p>16 still be living with your dad?</p> <p>17 A. Probably, yes.</p> <p>18 Q. Are you close with your dad?</p> <p>19 A. Yes.</p> <p>20 Q. And you don't think he killed Jaquari;</p> <p>21 right?</p> <p>22 A. No.</p> <p>23 Q. Meaning, you're confident of that?</p> <p>24 A. Yes.</p> | <p>1 grandmother's house?</p> <p>2 A. Yes.</p> <p>3 Q. And what discussions happened at that point</p> <p>4 in time?</p> <p>5 A. I don't remember.</p> <p>6 Q. And what was the next meeting you had with</p> <p>7 Ali after the 2012 time when she showed you this DVD?</p> <p>8 A. The next meeting was -- I don't remember</p> <p>9 when, but it was before my momma got out.</p> <p>10 Q. And what -- where was that meeting?</p> <p>11 A. At my house.</p> <p>12 Q. And what did she say to you at that time?</p> <p>13 A. I don't remember.</p> <p>14 Q. What did you tell her?</p> <p>15 A. I don't remember.</p> <p>16 Q. Did anyone ever ask you before your mom got</p> <p>17 out whether you were willing to talk with the</p> <p>18 prosecutors?</p> <p>19 A. Not that I know of.</p> <p>20 Q. So in 2012, did anybody, including Allison</p> <p>21 Flaum and any of the attorneys working with her, ask</p> <p>22 you if you would be willing to testify on behalf of</p> <p>23 your mom?</p> <p>24 A. Yes.</p> |

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|---|---|
| <p>1 MS. SUSLER: Objection. Form.</p> <p>2 BY MR. NATHAN:</p> <p>3 Q. Who asked you that?</p> <p>4 A. I believe Ali did.</p> <p>5 Q. And what did you say to her?</p> <p>6 A. Yes.</p> <p>7 Q. Was that at the same time when she showed</p> <p>8 you the video?</p> <p>9 A. I'm not sure.</p> <p>10 Q. What did you tell her that you were willing</p> <p>11 to testify to?</p> <p>12 A. I don't remember exactly.</p> <p>13 Q. Were you pretty much going to testify to</p> <p>14 whatever you testified to here today?</p> <p>15 MS. SUSLER: Objection. Form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I'm not sure.</p> <p>18 BY MR. NATHAN:</p> <p>19 Q. Would you have anything else to say besides</p> <p>20 what you've testified here today?</p> <p>21 MS. SUSLER: Objection. Objection. Foundation</p> <p>22 and competence.</p> <p>23 MR. NATHAN: You can answer the question.</p> <p>24 MS. SUSLER: And form.</p> | <p>1 BY THE WITNESS:</p> <p>2 A. Probably, yes.</p> <p>3 Q. Before you went to speak with the Judge in</p> <p>4 2005, when you were still young -- not that you're so</p> <p>5 old -- but did you speak with your mom's attorney</p> <p>6 before you went and talked to the judge?</p> <p>7 A. I don't remember.</p> <p>8 Q. Do you remember talking to a guy named</p> <p>9 Kenneth Wright?</p> <p>10 A. I don't remember, no.</p> <p>11 Q. Does the fact that -- a guy with dreadlocks,</p> <p>12 does that ring a bell?</p> <p>13 A. Yes.</p> <p>14 Q. You did talk to him?</p> <p>15 A. Yes.</p> <p>16 Q. When did you talk to him?</p> <p>17 A. When I was testifying.</p> <p>18 Q. Okay. At the courthouse?</p> <p>19 A. Yes.</p> <p>20 Q. Before the courthouse, did you talk to him?</p> <p>21 A. Not that I remember.</p> <p>22 Q. Did you ever talk to his partners or</p> <p>23 partner?</p> <p>24 A. Yes.</p> |
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| <p>1 BY THE WITNESS:</p> <p>2 A. Can you repeat it?</p> <p>3 Q. Yeah. I mean, if you were to testify in</p> <p>4 2012 or 2013 on behalf of your mom, would you have</p> <p>5 anything else to offer besides for the things that</p> <p>6 you've talked about today?</p> <p>7 MS. SUSLER: Same objection.</p> <p>8 BY THE WITNESS:</p> <p>9 A. No.</p> <p>10 Q. Because you're trying to be as accurate as</p> <p>11 you can today?</p> <p>12 A. Yes.</p> <p>13 Q. And you would have done the same thing back</p> <p>14 then?</p> <p>15 A. Yes.</p> <p>16 Q. Did Ali or any of the lawyers working with</p> <p>17 her in 2012, or any time before your mom was released</p> <p>18 from prison, tell you that the prosecutors wanted to</p> <p>19 talk to you?</p> <p>20 A. No.</p> <p>21 Q. And if you were aware of that, would you</p> <p>22 have been willing to talk to them?</p> <p>23 MS. SUSLER: Objection. Form. Foundation and</p> <p>24 competence.</p> | <p>1 Q. Is that Lynna Hollis?</p> <p>2 A. I'm not sure.</p> <p>3 Q. Okay. When is it that you talked to Ken</p> <p>4 Wright's partner?</p> <p>5 A. I believe the same -- when I was testifying,</p> <p>6 too.</p> <p>7 Q. At the courthouse?</p> <p>8 A. Yes.</p> <p>9 Q. Before you went onto the stand?</p> <p>10 A. When I was on the stand.</p> <p>11 Q. Do you remember ever waking up in the middle</p> <p>12 of the night when -- or very, very early morning, when</p> <p>13 you were living at 2004 North Laporle, and driving to</p> <p>14 go pick up your dad?</p> <p>15 A. No.</p> <p>16 Q. Is there anything else about the day that</p> <p>17 Jaquari died that you remember, that you have not</p> <p>18 already told me?</p> <p>19 A. No.</p> <p>20 MR. NATHAN: Thank you. Those are all my</p> <p>21 questions for right now.</p> <p>22 MR. FLYNN: No questions.</p> <p>23 MS. SUSLER: I think we'll reserve signature.</p> <p>24 THE VIDEOGRAPHER: This is the end of the</p> |

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